

**ANNUAL CONSULTATION WITH THE ADMINISTRATION
ON THE ADMISSION OF REFUGEES IN
FISCAL YEAR 1987**

**HEARING
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

NINETY-NINTH CONGRESS

SECOND SESSION

ON

THE ADMISSION OF REFUGEES IN FISCAL YEAR 1987

SEPTEMBER 16, 1986

Serial No. J-99-129

Printed for the use of the Committee on the Judiciary



U.S. GOVERNMENT PRINTING OFFICE

65-702 O

WASHINGTON : 1987

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

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ANNUAL CONSULTATION WITH THE ADMINISTRATION ON THE ADMISSION OF REFUGEES IN FISCAL YEAR 1987

TUESDAY, SEPTEMBER 16, 1986

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 9:30 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Alan K. Simpson (acting chairman) presiding.

Present: Senators Simpson, Kennedy, Grassley, and Simon.

OPENING STATEMENT OF SENATOR ALAN K. SIMPSON

Senator SIMPSON. Good morning. We do apologize for the bit of delay, and we are very pleased to welcome the witnesses, particularly you, Mr. Secretary, to this annual consultation on the admission of refugees for the next fiscal year. You were very good to accommodate your schedule to be with us.

So we come again to the examination of the plight of those who are of special humanitarian concern in the United States, and through this process we carry out these great humanitarian traditions and programs of our Nation. We do more than anyone in the world to assist refugees and provide resettlement opportunity.

So now you are proposing 70,000 refugees during fiscal year 1987, 32,000 of those from Southeast Asia/first asylum. That is a reduction, a small one, of 5,000. We note the small increase in the proposed admission for Eastern Europe/Soviet Union, a 30-percent increase for Latin America; an increase for the Near East; and a modest increase for Africa. And a very unique proposal—I certainly want to know more about—to meet “unanticipated needs.” I certainly will be interested to see what that is.

While most of these proposed allocations I think seem appropriate, two cause me concern: Admission of 32,000 refugees from Southeast Asia and 8,500 persons under orderly departure—that is, the ODP Program. And then this reserve of 4,000.

I, along with Senator Kennedy sent a bipartisan team to Southeast Asia before my first consultation as chairman of the subcommittee in 1981. Based upon the evidence then presented at the consultation, and the reports from that field investigation, the committee wrote, in essence, that while recognizing that individuals in Indochina continue to be subjected to persecution, we believed the character of the Indochinese flow had changed. I do believe that.

That flow reflects a growing number of economic migrants, and the number of Indochinese admissions remains at high levels. We have had that study trip, and I spent many hours in Thailand in the camps in the field. I filed a report on that trip program. I even recall that little motel in Aranyapathet. That was a doozey, lizards and all.

We have to take care of those who threw in with us. I deeply believe that. But we must follow a two-pronged approach. Those who suffered imprisonment and other political persecution because of that association, we owe them refugee status. But for those coming to join family in the United States, we must use the immigrant visa process. I wrote that in 1985.

You, Mr. Secretary, announced a new initiative to attain those same goals. Family reunification for the Khmer in Thailand through immigration channels.

The Ray Commission reported that those arriving in first asylum appear to have less compelling claims to refugee status as defined in the United States and international law and recommended refugee admissions be reserved for those who meet this special definition of special humanitarian concern, and that others seeking admission solely on the basis of family ties should do so by means of immigration procedures. That was April of this year.

Now, I understand that there have been only about 55 immigrant cases processed—literally a handful. I would be particularly interested in learning why it is so difficult to make this change in our program. Why have we not processed those who qualify for current immigrant visas in order that they can be moved to the United States?

The United States and UNHCR have become mired, I think, in a single solution approach to the Indochinese Refugee Program—third country resettlement. That is very odd because that used to be the very last approach in refugee solutions, not the first. France, Canada and Australia seem to have been more successful in extricating themselves from this mire, and if we are not more circumspect, we will surely be going it alone. That is my view.

Concerning this allocation of 4,000 refugee numbers for unanticipated needs, the Refugee Act provides a very specific procedure which I think we ought to follow, and it is called unforeseen emergency refugee situations. I do assure you, and I think you know my commitment, that Congress will be remarkably responsive to such emergency situations as we have in the past when presented with the proper facts. However, it is clear that the Refugee Act contemplates appropriate consultations. To ascertain those facts, then it would seem to me we should follow the procedures that are set forth in the Refugee Act. Those are some thoughts of mine.

Mr. Secretary, I am very much looking forward to these consultations and the testimony presented on behalf of the administration, and I thank you for your presence here at this important hearing. Again, the work cannot go on without your personal interest, and you have rendered it, and you have never, never been unavailable to me in my work, and I am deeply appreciative of that, sir.

I think that will conclude my remarks, and let me yield to the ranking Democratic member of the subcommittee, and a member, of course, of the full Judiciary Committee, a man who has been of

great assistance to me in the issues of immigration reform, illegal immigration reform, and refugee admission. He and his staff have been of immeasurable assistance to me, and I always enjoy working with him very much. Ted Kennedy.

OPENING STATEMENT OF SENATOR EDWARD M. KENNEDY

Senator KENNEDY. Thank you very much, Mr. Chairman. I, too, want to join in welcoming the Secretary of State to our hearing this morning. I think you deserve a great deal of commendation, Mr. Secretary—and the administration does—for the seriousness with which you have been addressing these humanitarian issues.

I think it is obviously a reflection of your own very deep concern, and I also think it is a real tribute to our chairman who has spent such an enormous amount of time on these questions of movements of people, refugees, the whole immigration issue. So I welcome the opportunity to work with our chairman and to work with the administration in the development of a humane refugee policy.

I think the proposals which you have presented and are recommending to us today are commendable. I think they are responsive to refugee needs and they are generous, reflecting both our tradition but also the limitation of resources.

I think we have been able to work out through this consultation process which has been evolving over a considerable period of time a degree of responsible harmony which I think will help us do what is right in terms of some of the desperate refugee situations around the world, and also help us respond to our own domestic constraints.

Some of the refugee problems that we are facing are the same as last year; some we are facing have changed. We are likely going to face new problems of refugees in the southern part of the African Continent, if we continue to see conflict there, hopefully it can be avoided, but there is no question that there is increasing violence in South Africa. It is my understanding there has not been a great movement of people from South Africa in terms of the refugees, but this is something that we have to anticipate. I am interested in what the administration is doing in this area.

I think we have seen a new flexibility in the administration's policy toward some of the refugees in Central America, a changed policy which I think is encouraging. The resettlement numbers are limited but nonetheless, I think they are important.

We are still troubled by the lag in time in the processing of cases in Southeast Asia, particularly those that involve family reunification. It has been a continuing problem. My own sense is we have not probably devoted the kinds of resources in those areas that probably should be devoted if we are going to expedite immigration and family reunification cases.

I am interested in what observations you have about the Chilean situation, with the state of siege there, and the increased violence that we have seen there. We saw a number of people that were expelled from the country several years ago. We see increasing repression there. What will you be able to tell us about what we might face in terms of those whose lives are threatened again particularly with the kind of repression that we are seeing now?

I have a more complete statement. I would like to have filed for the record, Mr. Chairman. But these are some of the areas that I would like to explore with the Secretary. But I want to commend him for his presence here, and for an excellent proposal.

Senator SIMPSON. Thank you, Senator Kennedy, and without objection your statement will be entered into the record along with the statement of Senator Thurmond which has been presented to the subcommittee and committee.

[Statements follow:]

PREPARED STATEMENT OF STROM THURMOND, A U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA

Mr. Chairman, I would like to welcome the Secretary of State, George Shultz, and other distinguished guests who are with us today to engage in consultation with the committee regarding the administration's recommendations for refugee admission to the United States for fiscal year 1987.

The inflow of refugees to America has always been of great importance to this country. The United States is sensitive to the plight of political refugees, and has historically been generous in its allowance of them into our country, but other nations must assist us in taking some of these refugees. The area of refugee policy requires balancing the number of aliens trying to emigrate to our country with the realization that our Nation cannot possibly accommodate all of those who want to come.

The refugee Act of 1980 states that a refugee is one who leaves his country "because of a well-founded fear of persecution on account of race, religion, nationality, membership in particular social group, or political opinion * * *." This congressional mandate underscores that we cannot continue to admit refugees who claim political persecution in order to gain entry to our country, when they are merely seeking a better life.

No one in the U.S. Senate knows more about the area of immigration and refugee policy than Senator Simpson, and I want to commend the distinguished chairman of the Immigration and Refugee Policy Subcommittee for holding this consultation hearing today. We all share a concern about the direction we are taking with regard to refugee policies, and I look forward to the testimony we will receive today.

PREPARED STATEMENT OF EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Mr. Chairman, I am pleased to join you this morning in welcoming Secretary Shultz once again to these annual consultations on the admission next year of refugees to the United States as required by the Refugees Act of 1980.

But I particularly want to take this opportunity to commend the President and you, Mr. Secretary, for proposing that we once again respond generously to the needs of refugees—that we continue this, one of our Nation's proudest traditions, of welcoming the homeless to our shores and assisting those in need overseas.

The proposed admissions program you have submitted deserves the bipartisan support I think it will receive. And you have also submitted a thoughtful and generous program of assistance for those refugees who are in camps and refugee centers all around the world. So, at the outset, I want you to know that you have my strong support.

Obviously, the challenges we face today are enormous, and refugee needs and humanitarian problems have only grown since our consultation last year.

In Pakistan, the refugee problem remains essentially unchanged, nearly 3 million Afghans have fled violence and repression in their homeland, but their continued presence poses increasingly complex relief and political problems.

In Southeast Asia, the flow from Indochina continues unabated, creating a growing backlog of refugees and other migrants in need of assistance. In this connection, we must wait with hopeful anticipation over the current visit to Southeast Asia by the new U.N. High Commissioner for Refugees that he will help galvanize greater international action and finally achieve a breakthrough in resolving the Indochinese refugee problem.

In Africa—already the continent with the most number of refugees—the new and escalating violence in South Africa threatens to produce a further tide of refugees into neighboring southern African states. And in recent days we have seen the escalating conflict in southern Sudan threaten a new famine, with international relief

agencies unable to deliver emergency relief supplies. Clearly, refugee assistance and protection issues will grow in Africa in the days ahead, and our country must continue to be prepared to act firmly in support of programs to assist African refugees.

Finally, in Central America—in our “back yard,” as the administration is fond of noting—we continue to face urgent refugee and other humanitarian issues. But instead of talking about the spectre of “feet people” swarming north to justify further U.S. military aid and an escalation of the conflict, we should be pursuing a policy of diplomacy and negotiation that can truly help bring peace and relief to this troubled area—and one which will also allow refugees to return to their homes.

In the meantime, I am pleased to note that the administration's proposal has finally recognized the need, for the first time, to consider admitting Latin American refugees other than Cubans. I hope the Department will work closely with the UNHCR in identifying those refugees, particularly in Central America, who need third country resettlement opportunities—that we will finally join Canada and Australia in opening our door to them.

Again, many problems remain, but I welcome the Administration's renewed commitment to our refugee program and for sustaining it at this year's level. I look forward to working with you, Mr. Chairman, in a joint effort to deal with the many crucial humanitarian issues we confront today in nearly every corner of the world.

Senator SIMPSON. Now, let me recognize Senator Chuck Grassley, a very attentive and active member of this subcommittee who has helped me greatly. Senator Grassley.

OPENING STATEMENT OF CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Senator GRASSLEY. Thank you, Mr. Chairman, and of course, I am pleased to be here this morning to discuss the 1987 refugee admission ceiling. The open-door policy has long been a characteristic of our great country, and it is important that we plan carefully for our future so that we may continue to honor that policy and to provide a home to those who are in fear of their lives, and for that reason cannot live in their own country.

Before we start looking at the vast number of people who want to come into this country, I would like to raise my concern about an equally large number of Soviet Jews who are not allowed to emigrate from the Soviet Union. The Soviet Government, of course, is intensifying its persecution of Jewish citizens at a time when Jewish emigration is at an all time low.

And if I am not mistaken, nearly one-half of the current Jewish prisoners of conscience have been incarcerated since Mr. Gorbachev became General Secretary. Admission ceilings that we in the Congress decide mean very little to a group who cannot emigrate.

I recognize the fact that not all nations have the same open-door policy that we do. I do not necessarily expect that they would. What I do expect, however, is for a signator state of the Helsinki accords to comply with an act that they have signed. The provisions of the Helsinki accords are not hard to understand. They are stated very simply, and I can only believe that the Soviet Union chooses to ignore the provisions which state that they, first of all, recognize every person has a right to leave any country including his own.

Or second, that they recognize and respect every individual's freedom of practice of religion alone or with others. And third, that they facilitate free movement and contact among individuals. And fourth, that they facilitate freer dissemination and exchange of information. All pretty simple principles to which the Russians have agreed when they signed the accord.

Mr. Secretary, human rights must be a key agenda issue in President Reagan's preparation for the upcoming summit with Mr. Gorbachev. Of course, it goes without saying that a summit must be very much in doubt if Nick Daniloff remains a hostage in the Soviet Union. I would hope, Mr. Secretary, that you might be able to give us an update on that situation.

Human rights must also remain at the forefront of any agreement made at the Vienna Review Conference this coming November. Mr. Secretary, if the Soviet Union does not honor its signature on the Helsinki accords, I do not know that we can expect them to honor an arms control agreement or any other agreement for that matter. I see a precedent here that I do not like.

So I thank you, Mr. Secretary, and Mr. Chairman. I will look forward to hearing this morning's testimony, and I look forward to seeing human rights remain a top priority in the U.S. foreign policy agenda. Thank you.

Senator SIMPSON. Yes, Senator Kennedy.

Senator KENNEDY. I neglected to extend a warm welcome to Jonathan Moore, Ambassador Moore, known as the former director of the Institute of Politics at the John F. Kennedy School of Government at Harvard, but who is now serving in a special capacity as the U.S. Coordinator for Refugee Affairs. I want to welcome him to the committee.

Senator SIMPSON. I think that is very appropriate, Senator Kennedy. I have come to know Jonathan Moore. We are very fortunate to have that man in our Government.

Mr. Secretary, I know you have a conflict. You must leave here, I think, at 10:30. We will limit our questions after your remarks so that we can direct certain questions to you, and I would suggest, sir, that you may place any part of your testimony you want in the record. But I think we would like to have a minor round of 7 to 10 minutes each, if we could, in inquiry to you, and without all that further babbling, go right ahead, sir. Nice to have you here.

STATEMENT OF HON. GEORGE P. SHULTZ, SECRETARY OF STATE, U.S. DEPARTMENT OF STATE

Secretary SHULTZ. Thank you, Mr. Chairman, and distinguished members of the committee. I would appreciate being able to file my full statement for the record. I will not read it. I have roughly half here which I might go through, because I do think it is appropriate to make a presentation.

I welcome, Senator Kennedy, your comment on Jonathan Moore. We feel very fortunate to have him in the State Department here as Coordinator for Refugee Affairs, and Bob Funseth, who is Acting Director of the Bureau of Refugee Programs, and has been a steadfast person in all of the achievements that we made in this area.

First, I would like to react to the three statements that have been made by saying that I broadly agree with them all. I do not mean that I would sign up to every precise word that everybody said, but basically I agree with them. The human rights situation in the Soviet Union is abysmal, and the emigration picture is terrible. The Daniloff case represents in many respects the essence of the problem, the difference between our societies. There is no

equivalence between the two people that have been talked about in this case at all. And the President, I know, continues to work on it in that spirit.

There will be shoes dropped as we go along, and people should keep their powder dry.

Now, I would like to point out a certain tension between the statements that have been made. The chairman highlighted the importance of identifying immigration—regular immigration procedures—and not too quickly assuming that somebody who wants to come here is a refugee.

I agree with that. At the same time, the world is full of problems, and people who are subject to persecution, and who are refugees. I think in Senator Kennedy's comments he pointed up a few places around the world where people are being persecuted, and I might say insofar as Southeast Asia is concerned, Vietnam is in Cambodia, more or less as an occupying force. That continues.

We would like to see that changed. We will have a major effort at the United Nations to continue the very strong condemnation that has been registered there year after year, and continue with other efforts. But the fact of the matter is that there is a big refugee population, and we have to consider how we are going to respond to it.

I think we all would agree that by and large the closer to home people can be resettled the better, and the only reason that the African situation is not much more pronounced here is that on the whole in that continent, as you know, people have been assimilated nearer to home.

We also know that the answer, in a sense, in a broad way to refugee problems is to see if we cannot make a contribution to ending the conditions that produce the refugees in the first place. We would like to see, for example, the continued movement toward democratic and humanitarian governments around the world, as we have seen a great deal of. And we would like to see more.

You mentioned Chile, where polarization seems to be taking place. I must take the opportunity to say to you that the United States historically has been a problem-solving country and has tried to be part of solutions in our diplomacy. The reductions, the brutal reductions, that are taking place in the general foreign affairs budget reduce our capacity to help work for solutions to these problems. There just is not any way around it with the cuts that Congress is making in the President's proposed foreign affairs budget whether you are just talking about operations budgets and our representation capability or our assistance levels or anything else.

I recognize this is not the place to argue that point, but it has a relevance, and I need to point that out for you. Mr. Chairman, distinguished members of the committee, I want to thank you for the invitation and the honor to consult with you on the President's proposed refugee admissions ceiling for fiscal year 1987.

After thoughtful consideration, the President proposes an overall admission ceiling of 70,000 refugees with 66,000 to be included in funded regional ceilings and 4,000 to be contained in an unfunded reserve, unallocated by any region. This year's admission proposal includes: reaffirmation of the President's initiatives on Amerasians

and Vietnamese political prisoners; an admissions level to maintain continued high processing levels from the refugee camps in the Southeast Asian first asylum countries; an increased admissions ceiling for Eastern Europe and the Soviet Union; expanded refugee admissions from Latin America and the Caribbean; an increased ceiling for Africa to accommodate African refugees located far from processing posts in Africa, and those who have been stranded in Europe for several years; an increased admissions ceiling for the Near East and South Asia to allow for admissions of those fleeing religious persecution and Soviet occupation; and an allocated reserve, intended to give the administration the flexibility to respond to critical admissions needs that are unpredictable.

Mr. Chairman, during the 6 years of this administration, total expenditures for refugee aid administered by the State Department have exceeded \$2.5 billion. In that time, more than 500,000 refugees have been admitted into the United States. America has done its share and more to aid those refugees who have been forced to leave their homelands because of persecution.

It is a historic tradition for the American people to respond to refugee problems. An integral part of that tradition has been our leadership in advancing an international multilateral approach to the resolution of refugee situation.

We have consistently worked to strengthen international mechanisms to deal with the expanding scope of refugee problems. On every continent UNHCR stands as the first line of defense for refugees. It speaks out for their protection. It provides for their care and maintenance. It seeks humane alternative solutions to their plight.

The International Committee of the Red Cross with its partners, the League of Red Cross Societies and the national societies of many concerned countries has long set the standard for impartial, nonpolitical humanitarian aid.

The Intergovernmental Committee for Migration serves as the lead organization for medical processing and resettlement transportation for the U.S. refugee admissions program. Probably the most significant result of cooperation has been the growing recognition that refugee problems are best resolved in the regions from which the refugees come. UNHCR leadership and prudent management of refugee problems worldwide reduce significantly the numbers of refugees for whom third country resettlement is a necessary or even desirable solution.

Even where return to the homeland appears unlikely, there are advantages for the refugees to be cared for in the region in which they have their roots. At the first African refugee conference in Tanzania, in 1979, Julius Nyerere as the host President said: "As Africans, we welcome the refugees, we give them our space, we share our food."

Outside help was needed, he added, but for the care of refugees in Africa, not for resettlement outside of Africa. It is these first asylum countries, not only in Africa but also in Asia, Latin America, and Western Europe, which in offering their space, in President Nyerere's words, "are the greatest donors of all."

The humanitarian commitment to aid refugees in the regions of their homelands puts great pressure on the resources available for

our total refugee assistance program. In fiscal year 1986, as the committee knows, all parts of the Federal Government have had to make program reductions to conform to the Gramm-Rudman-Hollings legislation. As a result of these across-the-board funding reductions, the Department, with congressional concurrence, was forced this year to shift over \$9 million from the admissions program to cover high priority relief requirements in Africa and Southeast Asia. Thus, the need to reprogram is the primary reason for the actual admissions in fiscal year 1986 falling some 4,500 below the ceiling.

The assistance requirements for refugees in Africa, for Afghans in Pakistan, for Cambodians on the Thai-Cambodian border, and for other groups in Southeast Asia and elsewhere remain substantial.

Just a few weeks ago, the Red Cross informed us they were running out of money for their life-sustaining food and medical programs in Africa. President Reagan authorized a withdrawal from the emergency refugee and migration assistance fund to help meet this deficit. But that is a resource we can draw on only in exceptional cases.

In order to be able to meet these ongoing assistance requirements without impairing our admissions program, it is absolutely essential that we be provided with adequate resources to do the job. I, therefore, was pleased that the House Appropriations Committee supported the full amount of the President's fiscal year 1987 request for the refugee program. I urge you and your colleagues to do the same.

Mr. Chairman, it is with this perspective that I now turn to the refugee admissions ceilings that the President is recommending for fiscal year 1987, and you have in the testimony a tabular representation so I will not read it through.

I should point out that this total is the same figure that the administration proposed for fiscal 1987, that is, 70,000. This year, for the first time, the President's recommended admissions ceiling includes an unfunded and unallocated reserve of 4,000. It is this reserve, I assume, Mr. Chairman, that you were questioning.

This reserve is not tied to any geographic region. It would give the administration the capability to respond to contingent, regional admissions needs. Should it be necessary to reserve the admissions reserve, we would cover the associated costs with existing agency budget requests, and would inform the Congress as to the reserve's allocation.

It is by way of saying, Mr. Chairman, that we think with the turmoil around the world, that it is predictable that there are going to be unpredictable things taking place, and, therefore, we have tried to set that out in advance and put you on notice of that opinion.

In addition, given the difficult fiscal situation we are facing, we will be undertaking a study to explore the possibility of a private sector funded admissions program.

A year ago, I commissioned a distinguished independent panel to visit Southeast Asia in a broad mandate to assess the refugee situation and to make recommendations on necessary changes in U.S. policy. I am pleased to report that the panel carried out its mission with great compassion, skill and judgment. It was chaired by Hon.

Robert D. Ray, the former Governor of Iowa, and included among its members Jonathan Moore who has just joined us as the new U.S. Coordinator for Refugee Affairs.

And panel's report contains some 44 specific recommendations. One of its main points is that U.S. admissions for Indochinese should move forward along two tracks, as you noted, Mr. Chairman: an adequate admissions program for refugees from Indochina and assistance for those qualifying through family ties to seek admission through established immigration channels.

In reviewing these subjects, we have maintained close consultations with the Congress, with the first-asylum countries of the region, with the other countries continuing to offer significant levels of resettlement, and with the concerned international agencies.

In October 1984, I presented to this committee on behalf of President Reagan two humanitarian initiatives aimed at reaching special populations in Vietnam through the UNHCR Orderly Departure Program. I want to reaffirm our commitment to accept all of the Amerasian children from Vietnam. We are equally committed to resettling present and former political prisoners from Vietnam's reeducation camps and their close family members.

The President is proposing an 8,500 ceiling for refugees leaving Vietnam directly under the ODP, the same as last year, although the ODP has encountered serious setbacks. On January 1, 1986, the Vietnamese Government unilaterally suspended interviewing of new cases. We have had three working level meetings with the Vietnamese under UNHCR auspices, the most recent one just last month, to try to resolve the problem.

Our proposed unallocated admissions reserve would give us the flexibility to handle additional admissions should we manage to get ODP operating at full steam. Vietnam suspension of interviewing for the ODP has resulted most immediately in a halt to the departure of Amerasian children and their mothers from Vietnam.

Although over 8,500 Amerasian children and their immediate relatives have come to the United States under this program, the majority of the children remain in Vietnam. At the working level meeting last month in Hanoi, the Vietnamese produced a long-promised list of Amerasian children and their families numbering some 2,600 people. We hope the discussions we have had will lead to the early resumption of Amerasian departures from Vietnam.

No aspect of the refugee program has caused us greater disappointment than the estimated 6,000 to 7,000 of the so-called reeducation camp political prisoners who continue to languish in prisons in Vietnam.

Many are in prison because of their past association with U.S. policies and programs in the region. On behalf of the United States, I reaffirm to Vietnam President Reagan's offer of 2 years ago: release the political prisoners and we will take them.

In light of the Cuban release of a number of long-held political prisoners in 1986 and consistent with our deep concern for the welfare of these individuals, the President authorized processing in Havana of long-term Cuban political prisoners and former prisoners. I am pleased to confirm that over 100 Cuban political prisoners and their families arrived in the United States yesterday.

As political turmoil continues to trouble many countries in Latin America, the administration plans to consider refugee applicants for whom temporary asylum or settlement in the region are not available. To achieve this goal, we have proposed an increased ceiling of 4,000, and will expand the current refugee processing priorities used for the region.

In Africa, there are some 35 African countries offering asylum to refugees fleeing from at least 17 African countries. Many countries both generate and receive refugees, a situation complicated by natural disasters and by the economic crises afflicting many of these developing countries.

I might say that the welcome rains in Africa have also seemed to have brought a coming-on of a potential locust plague that has all the earmarks of being the worst in some 60 years. There is just no end of the problems that plague that troubled continent.

We are on top of this as best we can be and working to try to prevent damage as much as possible. But, nevertheless, I just call that to your attention as an additional problem.

For fiscal 1987, we are proposing an admissions ceiling of 3,500. This will allow us to process those refugees who cannot be resettled elsewhere as well as a limited number of African refugees currently in first asylum in Europe. Unfortunately, the number of individuals who are granted permission to depart the Soviet Union, as Senator Grassley said, has continued to decline in the past year.

We continue to press for freer emigration from the Soviet Union and have adjusted our admission ceiling accordingly. The President raised this issue with Chairman Gorbachev in Geneva, and I intend to do the same with the Soviet Foreign Minister whenever we meet.

Since the Soviet invasion of Afghanistan—and I might say we raise these issues at all meetings. For example, we had a group here a couple of weeks ago to discuss the nuclear space talks arms negotiations, and I took the occasion to go there and speak both on the emigration problem to them and about the Danilo case to them so they would have no mistake of our view in any form. Since the Soviet invasion of Afghanistan in 1979, over 5 million Afghans have sought asylum in neighboring countries, almost 3 million of them in Pakistan alone.

At the same time, more than 2 million Palestinians in the Near East are registered with UNRWA. While its role is indirect, it is an important element in efforts to preempt the sort of desperation that can lead to extremism. It thus helps create a climate that will be fundamental to any successful peace process.

In Iran, the tyrannical revolution led by Khomeini has driven thousands from their homeland. As Congress has acknowledged, many Iranian religious minorities continue to be persecuted, most particularly, the Baha'i.

For fiscal 1987, the President has recommended a ceiling of 8,000 refugees to allow us to continue to provide adequate resettlement opportunities for these populations. Since 1981, over 500,000 persons have been brought to this country as refugees to begin new lives. Yet there have been frustrations and disappointments: The unfortunate unilateral Vietnamese suspension of interviews for the UNHCR's Orderly Departure Program, which has also stalled the

President's initiative for Amerasian children; the continued failure of the Vietnamese to respond to our initiative to accept reeducation camp political prisoners; the Cuban refusal to implement the Mariel Migration Agreement; and the Soviet Union's continued refusal to allow those wishing to leave to do so, especially Soviet Jews.

Mr. Chairman, I pledge to you that this administration will never relent in its efforts to resolve these profound humanitarian issues. With the bipartisan support of Congress, we will continue in our traditional humanitarian spirit to provide for the needs of refugees around the world.

I began today by reflecting on the accomplishments of our refugee program over the past 6 years, accomplishments made possible only by the generosity and commitment of the American people as reflected through their elected representatives in Congress.

I urge you to support the President's recommended refugee admissions ceiling which I have presented here today. At the same time, I must remind you that a generous refugee admissions ceiling is nothing but numbers on a piece of paper without the money to fund the programs that these numbers represent. And so in closing, I ask for your support not only of the proposed ceiling, but also the President's budget request for the refugee program so that together we are able to continue this great national humanitarian endeavor. Thank you, Mr. Chairman.

[Prepared statement follows:]

PREPARED STATEMENT OF HON. GEORGE P. SHULTZ

Mr. Chairman and distinguished members of the Committee, thank you for the invitation and the honor to consult with you on the President's proposed refugee admissions ceiling for fiscal year 1987.

This is the third consecutive year that I have participated in these consultations. These sessions were envisaged by the Congress in the Refugee Act of 1980, which specified that our refugee admissions are intended for refugees of "special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation with the Congress."

Mr. Chairman, after thoughtful consideration -- taking into account the resettlement needs of refugees of special humanitarian concern to us -- the President proposes an overall admissions ceiling of 70,000 refugees, with 66,000 to be included in funded regional ceilings and 4,000 to be contained in an unfunded reserve, unallocated by any region. This year's admissions proposal includes:

-- reaffirmation of the President's initiatives on Amerasians and Vietnamese political prisoners;

-- an admissions level to maintain continued high processing levels from the refugee camps in the Southeast Asian first asylum countries;

-- an increased admissions ceiling for Eastern Europe and the Soviet Union;

-- expanded refugee admissions from Latin America and the Caribbean;

-- an increased ceiling for Africa to accommodate African refugees located far from processing posts in Africa, and those who have been stranded in Europe for several years;

-- an increased admissions ceiling for the Near East and South Asia to allow for admissions of those fleeing religious persecution and Soviet occupation;

-- and an unallocated reserve, intended to give the Administration the flexibility to respond to critical admissions needs that are unpredictable.

As a preamble to a discussion and justification of the proposed refugee ceiling, I would like to reflect on what we have accomplished in our refugee programs in recent years, and the way in which we have been able to achieve these objectives.

Mr. Chairman, the beginning of fiscal year 1981 marks a suitable starting point for such a review. It coincided with the election of President Reagan, and it followed by only a short interval the major refugee shocks of the previous decade: the massive exodus of boat refugees from Vietnam and land refugees from Cambodia and Laos; the flood of refugees into Somalia; and the arrival on our shores of some 150,000 Cuban and Haitian "entrants" in April of 1980. The refugee flight from Afghanistan was well underway -- a movement of men, women, and children that soon reached close to five million people, nearly three million of them in Pakistan alone.

During the six years of this Administration, total expenditures for refugee aid administered by the State Department have exceeded \$2.5 billion. In that time more than 500,000 refugees have been admitted into the United States. There can be no doubt that America has done its share and more

to aid those refugees who have been forced to leave their homelands because of persecution.

An American Tradition

It is a historic tradition for the American people to respond to refugee problems. Our national celebration at the re-dedication of the Statue of Liberty reminded us of the spirit of welcome which has inspired generations of immigrants and refugees to seek new lives in this country.

Our longstanding tradition of help for refugees was brought home for me in another way recently by a State Department publication describing our refugee programs. At the end there was a list of the private voluntary agencies cooperating in providing refugee assistance. The list seemed familiar, although some of the agencies had slightly different names and addressees. Then I looked at the date of the pamphlet. It was 1956, and the subject was the Hungarian refugee crisis of that October -- just thirty years ago. The voluntary agencies and our refugee programs have been around a long time; they carry on a tradition today in which we can take great pride.

Multilateral Approach

An integral part of that tradition has been our leadership in advancing an international, multilateral approach to the resolution of refugee situations. We have consistently taken the lead in working to strengthen international mechanisms to deal with the expanding scope of refugee problems:

--The program and office of the United Nations High Commissioner for Refugees (UNHCR) grew five-fold in the past decade in response to the increase both in the number

of refugee crises, and in the absolute numbers of refugees world-wide. By a conservative count, there are now more than ten million refugees living outside their native lands and unable to return. On every continent the UNHCR stands as the first line of defense for refugees: it speaks out for their protection; it provides for their care and maintenance; it seeks humane alternative solutions to their plight.

--At the last United Nations General Assembly, a new High Commissioner for Refugees was elected -- Jean-Pierre Hocke' of Switzerland. He brings new leadership and direction to one of the most responsible and demanding positions in the UN system. His election demonstrates that the UN can act positively and effectively to achieve humanitarian objectives, in the spirit intended by its founders.

--The International Committee of the Red Cross (ICRC) has also grown in the scope and importance of its responsibilities during the past decade. With its partners, the League of Red Cross Societies and the national societies of many concerned countries, the ICRC has long set the standard for impartial, non-political humanitarian aid. I serve on the Board of Governors of the American Red Cross. I am glad to note that that organization is expanding its international involvement, under the able leadership of its President, my friend and former colleague, Richard Schubert.

--I want to commend the leadership of Alexander Hay, the President of the ICRC who has presided over that organization's major expansion. I have had the pleasure of meeting with President Hay and other ICRC leaders. I found their counsel always wise and useful, not only on humanitarian programs but also in terrorist situations such

as the hijacking of TWA flight 847, in which the ICRC assisted in its usual quiet, effective way in the arrangements for the release of the hostages. Mr. Hay has announced his decision to step down as ICRC President. We welcome his successor, Mr. Cornelio Sommaruga, who has been Secretary of State for Foreign Economic Affairs in the Swiss Government.

--The third organization that enables us to work multilaterally to aid refugees is the Intergovernmental Committee for Migration (ICM), ably led by James L. Carlin, a former distinguished foreign service officer. ICM was founded in 1951 to provide safe, secure migration assistance in the major movements of displaced persons and refugees following the second World War and the communist takeovers in Eastern Europe. Since that time it has helped move nearly 4 million refugees and migrants throughout the world. Today ICM serves as the lead organization for medical processing and resettlement transportation for the U.S. refugee admissions program. In recent years ICM has been especially resourceful in aiding skilled migrants originally from third-world countries to return to productive positions in their homelands.

Benefits of Cooperation

In concrete terms, the benefits of cooperation are obvious. While the United States has been the leading refugee resettlement country in the past decade, other countries have also made important contributions, in some cases overcoming long-standing antipathy to immigration by foreign groups. We continue to seek ways in which the financial burden of providing refugee assistance can be shared equitably by the international community.

In short, the United States is not alone in its efforts to aid refugees. We make vital contributions to a functioning global system of international organizations and private voluntary agencies. This multiplies the resources that the United States government brings to these humanitarian efforts. The pattern of international cooperation that has developed through the years, with its emphasis on non-political, impartial assistance on the basis of need, serves our interests well -- it serves those of the world's refugees.

Aiding Refugees in Home Regions

Probably the most significant result of cooperation has been the growing recognition that refugee problems are best resolved in the regions from which the refugees come. Leadership by the UNHCR and prudent management of refugee programs worldwide has made it possible to reduce significantly the numbers of refugees for whom third-country resettlement is a necessary or even desirable solution. This has been a major objective of U.S. policies, one that is shared by other countries aiding refugees, and by the international system as a whole.

The best way to resolve a refugee situation is to enable refugees to return -- freely and voluntarily -- to their homes in their countries of origin. Although this can only rarely be accomplished in the short run, in many cases it has been possible for refugees to remain nearby and to return home when the situation has changed enough to permit voluntary repatriation. That remains the best hope even for those whose homelands remain under foreign occupation, like the almost three million Afghans in Pakistan. These people require and deserve the full-hearted support of the international community as they continue to suffer the deprivations of a limited, impermanent existence in temporary asylum. In our judgment,

international resettlement is the correct solution for only relatively small numbers of refugees.

Even where return to the homeland appears unlikely, there are advantages for refugees to be cared for in the region in which they have their roots. Often a neighboring country shares a common geography, language, and ethnic or cultural character which can ease the acceptance of refugees and help them achieve longer term residence. At the first African refugee conference in Tanzania, in 1979, Julius Nyerere as the host President said: "as Africans, we welcome the refugees, we give them our space, we share our food." Outside help was needed, he added, -- but for the care of refugees in Africa, not for resettlement outside of Africa.

Since 1981 nearly all of the U.S. contributions to assist refugees in the regions of their homelands have been channelled through the international organizations. Those organizations in turn work through "operational partners," who often are the same private voluntary agencies that assist us in refugee resettlement. As refugees find refuge in Africa, in the Near East, in Asia, in Latin America, in Western Europe, the traditional terminology of "donor" countries blurs, for it is the first asylum countries offering their "space" -- in President Nyerere's words -- who are the greatest donors of all.

Resettlement Often Not the Solution

The relatively small role played by international resettlement as a solution can be seen in the sheer magnitude of the refugee populations. There are currently five million Afghan refugees. The United States resettles at most 3,000 a year -- less than one-tenth of one percent. There are almost three million refugees in Africa, with similarly limited resettlement requirements. Refugee leaders themselves

acknowledge the uncertain value of resettlement in such situations, seeing it as potentially divisive, and in some cases as a form of resented leadership drain.

The humanitarian commitment to aid refugees in the regions of their homelands puts great pressure on the resources available for our total refugee assistance programs. In fiscal year 1986 -- as the Committee knows -- all parts of the federal government have had to make program reductions to conform to the Cramm-Rudman-Hollings legislation. As a result of these across-the-board funding reductions, the Department, with Congressional concurrence, was forced this year to shift over \$9 million from the admissions program to meet critical refugee assistance requirements in Africa and Southeast Asia. In other words, instead of reallocating admissions numbers and funds to meet other regional admissions needs, we were compelled to cover high-priority relief requirements. Thus, the need to reprogram is the primary reason for actual admissions in fiscal year 1986 falling some 4,500 below the ceiling.

The assistance requirements for refugees in Africa, for Afghans in Pakistan, for Cambodians on the Thai-Cambodian border, and for other groups in Southeast Asia and elsewhere remain substantial. Just a few weeks ago the Red Cross informed us they were running out of money for their life-sustaining food and medical programs in Africa. President Reagan authorized a withdrawal from the Emergency Refugee and Migration Assistance Fund to help meet the deficit, but that is a resource we can draw on only in exceptional cases, and within a tightly delineated Congressional authorization.

In order to be able to meet these ongoing assistance requirements without impairing our admissions programs, it is

absolutely essential that we be provided with adequate resources to do the job. We are talking here about the lives of literally millions of human beings.

I was pleased that the House Appropriations committee supported the full amount of the President's fiscal year 1987 request for the refugee program. I urge you and your colleagues to do the same.

Foreign Affairs Budget

But this is only part of a much larger foreign policy issue now facing us. It is in our national interest to work together with other nations to reduce political instabilities throughout the world. But to address these instabilities, often at the root of the world's refugee problem, requires that American diplomacy have the proper tools -- including healthy foreign assistance programs and energetic diplomatic representation.

Unfortunately, these tools are being drastically restricted under current Congressionally-imposed cuts in our overall foreign affairs budget. Put most bluntly, the cumulative effect of these reductions will be devastating on our ability to meet our responsibilities and commitments.

Today is not the day to discuss our overall foreign affairs budget in any great detail. But it is essential that we all recognize that the lack of the resources necessary to support constructive American leadership in the international community will inevitably have a negative impact on the management of global refugee problems.

Proposed FY 1987 Admissions

Mr. Chairman, it is with this perspective that I now turn to the refugee admissions ceilings that the President is

recommending for Fiscal Year 1987. For simplicity I will present them in tabular form, as follows:

FY 1987 REFUGEE ADMISSIONS CEILING

<u>Region</u>	<u>Admission by Region</u>
Africa	3,500
East Asia/First Asylum	32,000
East Asia/ Orderly Departure Program	8,500
Eastern Europe/Soviet Union	10,000
Latin America and the Caribbean	4,000
Near East and South Asia	8,000
Subtotal	66,000
Unallocated Reserve for Refugee Admissions Needs	4,000
TOTAL	70,000

I should point out that this total is the same figure that the administration proposed for FY 1986.

The Unallocated Admissions Reserve

This year, for the first time, the President's recommended admissions ceiling includes an unfunded and unallocated reserve of 4,000. This reserve is not tied to any geographic region -- it would give the Administration the capability to respond to contingent regional admissions needs. The reserve is similar to the admissions reserves used by the other two major resettlement countries, Canada and Australia. Should it be necessary to use the admissions reserve, we would cover the associated costs within existing agency budget requests, and would inform the Congress as to the reserve's allocation.

In addition, given the difficult fiscal situation we are facing, we will be undertaking a study to explore the possibility of a private sector funded admissions program.

East Asia Admissions

Indochinese Refugee Panel Report

A year ago I informed the Committee of my intention to commission a distinguished independent Panel to visit Southeast

Asia with a broad mandate to assess the refugee situation and to make recommendations on necessary changes in U.S. policy. I am pleased to report that the Panel carried out its mission with great compassion, skill, and judgment. It was chaired by the Honorable Robert D. Ray, the former Governor of Iowa, a state that achieved an admirable record in refugee resettlement under Governor Ray's leadership. Other members of the Panel were Mrs. Irena Kirkland, former Senator and Ambassador Gale McGee, the former Deputy Attorney General of the U.S. Edward Schmults, and Jonathan Moore, who has just ended his leadership of the Institute of Politics at Harvard to join us as the new U.S. Coordinator for Refugee Affairs.

The Panel's report is a comprehensive document, with some forty-four specific recommendations. One of its main points is that U.S. admissions for Indochinese should move forward along two tracks: a refugee program for those continuing to flee the Indochinese states to escape persecution; and an immigration program for those seeking to come to the United States on the basis of their family relationships. Close to 800,000 Indochinese have come to the United States as refugees since 1975. By the end of last year, 46,073 of them had been naturalized as U.S. citizens. They are compiling a remarkable record of achievement in our country and many are in a position themselves to aid their relatives wishing to come here.

In cooperation with the Immigration and Naturalization Service (INS) we are focusing on the Panel's recommendations to help guide us to maintain an adequate program for refugees from Indochina, and at the same time assist those qualifying through family ties to seek admission through established immigration channels. A report on our progress in this process is included in the documents presented to you as part of this consultation.

In reviewing these subjects we have maintained close consultations with the Congress, with the first-asylum countries of the region, with the other countries continuing to offer significant levels of resettlement (among whom Australia and Canada play the greatest role), and with the concerned international agencies.

Balanced Program

It is in this context that the President is recommending the proposed admissions ceilings for East Asia -- both for those in first-asylum countries and for those able to leave Vietnam by means of the UNHCR's Orderly Departure Program. As I stated during last year's consultations, we see the need for balance in this program:

"Indochinese refugee resettlement must be balanced against other, regional solutions; balanced as a fair share of an international resettlement effort; balanced in terms of its budgetary implications; balanced in terms of other immigration and domestic policy considerations; and balanced against the need to provide resettlement to deserving refugees from other parts of the world."

The Ray Panel has proposed guidelines to help us achieve this balance in ways that respond to the needs of the refugees. We will continue to assure the first asylum states of the durability of our commitment to help ease their burden and to provide continued resettlement opportunities in the United States.

The proposed ceiling for refugees in first asylum will enable us to process those currently eligible for the U.S. program, those new arrivals who qualify under our priority categories, and a part of the long-stayer caseload under a

revitalized international initiative. The Ray Panel attached "the greatest significance" to the preservation of first asylum. Today I want to reaffirm to the nations of Southeast Asia the importance we attach to their continuing to offer safe first asylum for Indochinese refugees. In cooperation with other donors, we will continue to do all we can to provide both resettlement opportunities and financial support for assistance needs in Southeast Asia, as recommended by the Ray Panel. We are considering some processing of refugees from among those who have been in camps the longest, and believe these initiatives can be undertaken within the proposed admissions ceiling.

Orderly Departure Program

In October 1984, I presented to this committee on behalf of President Reagan two significant humanitarian initiatives aimed at reaching special populations in Vietnam through the UNHCR Orderly Departure Program. I want to take this opportunity to reaffirm, as I did last year, our commitment to accept all Amerasian children from Vietnam. We are equally committed to resettling present and former political prisoners from Vietnam's so-called re-education camps, and their close family members.

The President is proposing a 8,500 ceiling for refugees leaving Vietnam directly under the ODP, the same as last year. This does not include the several thousand Vietnamese who we anticipate will come to the United States as immigrants. But this appearance of continuity does not change the fact that the ODP has encountered serious setbacks. On January 1, 1986, the Vietnamese government unilaterally suspended interviewing of new cases. Departures from Vietnam have continued at about seventy-five percent of the rate of last year from the pool of

applicants interviewed for resettlement in the U.S. before interviewing was suspended. We have had three working-level meetings with the Vietnamese under UNHCR auspices, the most recent one just last month, to try to resolve the problem. We continue to hope interviewing can resume without further unnecessary delay. Our proposed unallocated admissions reserve would give us the flexibility to handle additional admissions should we manage to get ODP operating at full steam.

Over 100,000 people have been able to leave Vietnam under the Orderly Departure Program, nearly half to the United States, the remainder to some 30 other countries. In fact, just last week the 50,000th person left Vietnam for resettlement in the United States under this program. The ODP was established by agreement between the UNHCR and the Government of Vietnam to provide a safe alternative to the hazards of flight by sea. We want to see it restored and improved as soon as possible.

Amerasian Children

Vietnam's actions leading to suspension of interviewing for the ODP have resulted most immediately in a halt to the departure of Amerasian children and their mothers from Vietnam. Over 8,500 children of Vietnamese mothers and American fathers and their immediate relatives have come to the U.S. under this program. In 1984, I expressed the hope that all the Amerasian children and their close relatives would be able to come in a three year period. Two years of that have passed and the program has had substantial success, but the majority of the children remain in Vietnam.

At the working-level meeting last month in Hanoi, the Vietnamese produced a long-promised list of Amerasian children and their families numbering some 2,600 people, which we are

now reviewing with the hope that interviews for this group can begin soon. Although specific procedures still need to be worked out, we hope the discussions we have had will lead to the early resumption of Amerasian departures from Vietnam.

Political Prisoners

No aspect of the refugee program has caused us greater disappointment than Vietnam's refusal to live up to earlier pledges to release for resettlement in the United States "re-education camp" prisoners, pledges made by their Prime Minister and reaffirmed by the Foreign Minister and other senior Vietnamese Officials. An estimated 6,000-7,000 of these political prisoners continue to languish in prisons in Vietnam after more than ten years.

Two years ago I announced on behalf of President Reagan our readiness to receive these prisoners and their close relatives. Many are imprisoned because of their past association with U.S. policies and programs in the region, and we acknowledge a special obligation to work for their release. Since that time only 752 former prisoners and their accompanying relatives have been allowed to leave.

On behalf of the United States I reaffirm to Vietnam President Reagan's offer of two years ago: release the political prisoners and we will take them.

Refugee Admissions from Other Regions

Latin America and the Caribbean

In light of the Cuban release of a number of long-held political prisoners in 1986, and consistent with our deep

concern for the welfare of these individuals, the President authorized processing in Havana of long-term Cuban political prisoners and former prisoners. I am pleased to confirm that over one-hundred Cuban political prisoners and their families arrived in the United States yesterday.

We have included sufficient numbers in our proposed Latin American ceiling to admit 3,000 Cubans as refugees in fiscal year 1987 should the Government of Cuba lift its suspension of the Mariel Migration Agreement. While the United States stands ready to resume its obligations under the agreement, we will not do so until the Cuban government agrees to fulfill its obligation to accept the return of the Mariel excludables.

As political turmoil continues to trouble many countries in Latin America, the Administration plans to consider refugee applicants for whom temporary asylum or settlement in the region are not available. To achieve this goal, we have proposed an increased ceiling of 4,000, and will expand the current refugee processing priorities used for the region.

Africa

The continent of Africa suffers from a complex and dynamic refugee situation. There are some 35 African countries offering asylum to refugees fleeing from at least 17 African countries. Many countries both generate and receive refugees. Responding to the impact of refugees has been complicated by the natural disasters of drought and locusts, and by the economic crises afflicting many of these developing countries.

For most of those African refugees needing protection and assistance from the international community, resettlement to the United States is not the desired solution. Most can benefit from the hospitality offered by neighboring nations.

Those in need of resettlement outside of Africa are refugees in life-threatening situations or refugees who cannot easily be assimilated -- for example, urban Ethiopians and some South Africans.

For FY 1987, we are proposing an admissions ceiling of 3,500. This will allow us to process those refugees who cannot be resettled elsewhere, as well as a limited number of African refugees currently in first asylum in Europe.

Eastern Europe and the Soviet Union

Unfortunately, the number of individuals who are granted permission to depart the Soviet Union has continued to decline in the past year. We continue to press for freer emigration from the Soviet Union and have adjusted our admission ceiling accordingly. The President raised this issue with Chairman Gorbachev in Geneva, and I intend to do the same with the Soviet Foreign Minister whenever we meet.

We anticipate that the requested 10,000 admissions will allow us to process not only the hoped for increase from the Soviet Union, but also those Romanians registered for the Third Country Processing program, as well as the regular flow of refugees who continue to arrive from Eastern Europe.

Near East and South Asia

Since the Soviet invasion of Afghanistan in 1979 over five million Afghans have sought asylum in neighboring countries, almost three million of them in Pakistan alone. The Afghan refugee population is supported by long-term international assistance efforts to which we are a major contributor.

At the same time more than two million Palestinians in the Near East are registered with UNRWA. While its role is

indirect, UNRWA is an important element in efforts to preempt the sort of desperation that can lead to extremism. It thus helps create a climate that will be fundamental to any successful peace process.

In Iran the tyrannical revolution led by Khomeini has driven thousands from their homeland, many of whom seek a new life in Europe and the United States. As Congress has acknowledged, many Iranian religious minorities continue to be persecuted. Most particularly, the Baha'i, as well as Christians and Jews, are included in the U.S. resettlement program.

For FY 1987, the President has recommended a ceiling of 8,000 refugees, to allow us to continue to provide adequate resettlement opportunities for these populations.

Conclusion

Since 1981, over 500,000 persons have been brought to this country as refugees to begin new lives. In coordination with the efforts of state and local governments, civic organizations, voluntary agencies, and thousands of private citizens, the administration remains committed to help give these people a new opportunity to live free from the fear of persecution.

Yet there have been frustrations and disappointments:

-- the unfortunate unilateral Vietnamese suspension of interviews for the UNHCR's Orderly Departure Program, which has also stalled the President's initiative for Amerasian children;

-- the continued failure of the Vietnamese to respond to our initiative to accept re-education camp political prisoners;

-- the Cuban refusal to implement the Mariel Migration Agreement;

-- and the Soviet Union's continued refusal to allow those wishing to leave to do so, especially Soviet Jews.

Mr. Chairman, I pledge to you that this administration will never relent in its efforts to resolve these profound humanitarian issues. With the bipartisan support of Congress, we will continue in our traditional humanitarian spirit to provide for the needs of refugees around the world.

I began today by reflecting on the accomplishments of our refugee programs over the past six years, accomplishments made possible only by the generosity and commitment of the American people through their elected representatives in Congress.

I urge you to support the President's recommended refugee admissions ceiling which I have presented here today. At the same time, I must remind you that a generous refugee admissions ceiling is nothing but numbers on a piece of paper without the money to fund the programs that these numbers represent. And so in closing I ask for your support not only of the proposed ceiling, but also the President's budget request for the refugee program, so that together we are able to continue this great, national humanitarian endeavor.

Thank you.

Senator SIMPSON. Mr. Secretary, we are very appreciative of your remarks. The entire text of your statement will appear in the record. Let me express on behalf of all of us here the remarkable work with regard to the Cubans who arrived in Florida yesterday, and who will arrive in the future: long-term political prisoners. It's been of great interest to us all on this committee, and I congratulate the State Department and the INS for arranging their release, and I also especially recognize the U.S. Catholic Conference for participating in that freeing of those prisoners.

Mr. Secretary, I am going to run a timer on myself, which is unheard of and a gross thing to do, but 5 minutes each so that in fairness to my colleagues who are here we can do that. So, if the responses can be gauged on that kind of constraint, because we know of your schedule.

Without even going through the romance of a long question on this issue of the additional 4,000, we have a Refugee Act. It provides for additional admission of refugees if we have "unforeseen emergency refugee situations," if it's "justified by humanitarian concern or otherwise in the national interest," and if it cannot be accomplished under the normal consultation procedure.

Therefore, why is this reserve quota being proposed, and would the administration anticipate utilizing this reserve quota without prior consultation with the Congress?

Secretary SHULTZ. As I said, I think it is a prediction, a more confident prediction, unfortunately, that there are clearly enough wild cards in the situation that we know that there are going to be needs that fall outside the boundaries of the specific requests that have been made. And I tried to outline in my testimony some of the uncertainties. For example, the emigration levels from the Soviet Union have been at a very, very low level. We keep urging them to allow more emigration.

If they should do so, we need to be ready to take those people. There is a kind of inventory, you might say, of potential refugees from Eastern Europe that are there. There are uncertainties around the world in Africa, in Latin America, in Southeast Asia, for that matter, that I tried to identify, that lead us to conclude that there will be needs in some of these areas, and we cannot really identify which ones.

So rather than allocate out the whole 70,000, we thought it might be more proper to make the allocations area by area as carefully as we could, and then say right up front frankly that we think that we are going to have to juggle around a little bit.

Senator SIMPSON. I would acknowledge those uncertainties. I think that is very real, but I think that is exactly why we put that specific language of the special provisions in the Refugee Act, just exactly to address those uncertainties. So without going further on that at this point, I will look forward to working with the State Department, and we will see if we can assure what I think the present language will do very nicely. If it does not, we will find out from you what your thoughts are.

Secretary SHULTZ. I think we need to bear in mind that we may have to act quickly in some cases, and I would say that there is a long tradition here, well established and honored on all respects of working together on this issue with the Congress, and we certainly

intend to do it that way—to keep you fully posted and notified of what we are doing. And if you felt that we were not doing it right, you are sitting there with the whistle in your hands, and you can blow it.

Senator SIMPSON. I can see you want us to move more swiftly. We will do that, because we need to when you come to those special contingencies. Just let us know the emergency nature of it, and we will respond. It is something we have done before.

One other quick question. When a person leaves Vietnam, there is no opportunity for resettlement in the countries of first asylum, and there is no program of voluntary repatriation. It seems to me that we have reached an almost automatic obligation of third country resettlement when anyone leaves Vietnam. I am not aware of that arrangement in any other part of the world. How do we continue to operate that policy when everyone, the Ray Commission included, finds this increasing economic and family reunification element in the flow of all persons into first asylum countries? If Costa Rica or Honduras were to announce that they would not accept any Nicaraguans or Salvadorians unless an offer of third country resettlement existed, would we really make the same commitment toward refugees as we have in Thailand? It is a very curious thing to me, but if you could respond, then we will go on.

Secretary SHULTZ. I think it is a very hard problem, a very hard problem. First, let me say that there is not any automatic ticket. I think we have to say that and mean that and try to sort it out as best we can and be conscious, and I think increasingly conscious, of the problem and develop our capabilities for sorting it out.

We have to always have in our mind also that first asylum countries take on a major burden, and part of working with this problem is assuring them that by being a first asylum country they do not wind up with something that is completely unmanageable. And some of these countries have shouldered very real burdens. I think of Pakistan, and this huge Afghan population there, and I just tip my hat to the people of Pakistan and for that matter, the refugees and their behavior.

Now, that, of course, is a case where they are staying there. They are not looking for resettlement by and large. But it is a hard problem, and we just have to work our way through it, and I do not think there is any answer that you can give. It is a question of continued effort and recognition of what you say that we have to move this thing over and get people more conscious of it and stiffen up where it is clear. That is about how I could answer it.

Senator SIMPSON. Thank you, Mr. Secretary. Senator Kennedy.

Senator KENNEDY. Thank you very much, Mr. Chairman. Mr. Secretary, one of the areas that I mentioned is an area that is very familiar obviously to you, and that is the South Africa refugee problem that we may be facing down the line. We are facing it now, in a limited way, but there may very well be a very significant increase.

The end of last week we saw the House of Representatives pass the sanctions bill which, I believe, is being sent down to the President as we meet this very morning. Can you give us any indication what recommendation you have given to him about whether he should sign that sanctions bill?

Secretary SHULTZ. No, sir; I never disclose my recommendations to the President. I do not think I properly should. When he decides what he will do, he will let you know, as far as that bill is concerned.

Senator KENNEDY. You cannot tell us whether he plans to sign that, or whether he plans to veto it?

Secretary SHULTZ. I have a pretty good idea, but anyway I will leave it to him.

Senator KENNEDY. I saw in this morning's paper that you are planning to visit South Africa?

Secretary SHULTZ. I have not made any announcement of any trip, but I have been considering a trip to Africa for some time, and I would like to do that. I have been working with various countries to see if that could be worked out, and I would certainly want to include South Africa in that itinerary.

Senator KENNEDY. I notice the European Economic Community was deadlocked over the South Africa coal ban, and evidently the West Germans indicated opposition to that particular proposal. Was the United States in touch with West Germany to urge them to take that position?

Secretary SHULTZ. We talk with all of our friends in Europe and also Japan and other friends such as Australia about this issue. The Germans do not need any prompting to take that point of view. That is a point of view that they have urged for a long time.

Senator KENNEDY. Well, I am just asking did we urge them to take that point of view?

Secretary SHULTZ. No.

Senator KENNEDY. Well, can you tell us what we were urging them to do or not to do in the EEC?

Secretary SHULTZ. We have been consulting with the European Community largely through the British who are in the chair right now, and Jeffrey Howe has been here a couple of times in which we have discussed extensively their views and what they may do. And they have wanted to know what is going to happen here. We pointed to the actions of the Congress and the President's statements, and of course, our view is that a ban of imports of coal is a mistake and we say that.

Senator KENNEDY. All I am trying to find out is if you can tell the American people as much as you have told the Germans and the others about what the administration—

Secretary SHULTZ. We have told them just what we have told you and told the American people—that we think that kind of economic sanction is a mistake. It is a mistake because of the damage it will do, among other things, to employment opportunities for blacks. And I am very interested in your concern about refugees from South Africa.

There are not as many refugees—it is not a major problem right now from South Africa as much as it is some of the other African countries. However, I think it is pretty clear that the South African economy is in the process of going downhill whether there are sanctions imposed or not. The marketplace is placing sanctions.

Senator KENNEDY. I know my time is going to be up. I dare say that I think it is going to go down a lot more rapidly if there is not going to be some kind of an accommodation or reconciliation, and I

do not possibly see how that is going to be the case under this administration's policy. And that is what the Senate, by an overwhelming majority has recognized, and the House of Representatives has recognized and just about every other country in the world except this administration. But we will have an opportunity to address that later.

Can you just tell us what the status is on the nomination of a black ambassador to South Africa? Does the administration intend to appoint a new ambassador?

Secretary SHULTZ. The President intends to nominate a very well qualified person for this post. I think that is the first and foremost test, though, for any Presidential nomination, that there is an experienced person with special qualifications. And the person the President has in mind possesses those qualifications, and again, when the President is ready to make a nomination to you he will do so.

Senator SIMPSON. Mr. Secretary, I thank you. Senator Simon has come, and let me first go to recognize Senator Grassley. He has a conflict, and then we will come to a very short statement and maybe a question. I do apologize for that. I wish it could be different. Please, Chuck.

Senator GRASSLEY. Mr. Secretary, with the passage of time and over the years that you have raised the issue of emigration from the Soviet Union, and considering your own personal contact, do you feel encouraged or discouraged with where we are today? And taking into consideration the most recent times you have raised this issue, do you get any response other than the fact that this is an internal matter for the Soviet Union, and they do not feel they ought to discuss it?

Secretary SHULTZ. The situation can only be described as discouraging. However, discouraging as it may be, we should never give up, and we should never let up. So that is the policy that the President has, and that is what I do.

Senator GRASSLEY. I would also like to ask you about the families coming in from Cuba now. I do not expect you to remember that I had written you a letter in regard to encouraging the policy that finally has evolved.

Now the families have come in, and evidently unrelated to Marielitos. Is the situation going to continue regardless of Havana's position on Marielitos?

Secretary SHULTZ. Do not misunderstand what has happened. What has taken place is that some people whom we regard as an especially poignant group have been admitted. That is, people who have been held prisoner for an extended time, and who are still in prison, or who may have been let out, but have been in prison for 10 years or more. And we felt that that was a special group that should be attended to regardless of the attitudes of the Cubans otherwise on the Mariel question.

We have had discussions to try to put that situation back where it was when the agreement was worked out, and we had some indications very constructively called to our attention, including by a member of this committee, and we have tried to follow up on that, so far to no avail, although that does not mean that we necessarily stop the effort.

Senator GRASSLEY. How does your statement to us in Congress "to keep our powder dry" on the Daniloff affair square with strong statements coming out of the White House and out of your Department, including your statement at Harvard on the issue? Are we all supposed to be quiet on the issue or—

Secretary SHULTZ. No, I did not mean to be quiet. I just meant, do not make the assumption that somehow or other the action is over because it certainly is not. I would counsel not to be quiet but quite the reverse. I think the more attention that is paid, the more it is clear to Mr. Gorbachev and others in the Soviet Union that what they have done is recognized for what it is here, and that it has brought about a very deep reaction and feeling that goes across the board. The debtor will be served so please do not misunderstand me. I hope you keep screaming about it, and I intend to. But I intend to do more things than just scream about it.

Senator SIMPSON. Thank you, Chuck. Senator Simon, do you have a brief statement? It is good to have you here, Paul. Sorry for this crush.

OPENING STATEMENT OF PAUL SIMON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator SIMON. It will be very brief. I am going to lobby the Secretary on two items.

Senator SIMPSON. They get 1 minute at the end. You cannot stop them.

Senator SIMON. First, I agree with you on what you are doing in the Daniloff case. At the same time, I hope we do not forget these refugees, or the hostages in Lebanon. I know it is an ongoing thing, but let me just urge you to continue your efforts.

Second, one very tragic case. Naum Meiman is in the Soviet Union with his wife Inna. He has been one of the Helsinki watch group there. He wants to emigrate. His wife has had four cancer operations. Her only chance for life is to get Western medical technology, and I hope your people will continue to push on that.

Secretary SHULTZ. We are very alert to that case. Unfortunately, there are also others that are also in desperate shape.

Senator SIMON. Finally, I was very pleased with your statement to the writers group about the embarrassment that we cause ourselves through asking about political beliefs or political activities in connection with immigration. I agree completely with what you said in that regard. Yesterday's New York Times again has a story about a Finnish woman who joined the Communist Party in college, and then resigned from the Communist Party, but because of that now all of a sudden she is up for deportation.

I have not talked to the Commissioner about this yet, but I think we will get it resolved. It does seem to me that we ought to be taking a look at the statute itself. The statute really contradicts what I think you and I believe this country ought to stand for.

Secretary SHULTZ. What I meant to do in that statement at the PEN meeting was to make a distinction between what somebody believes, and in our tradition of free speech you believe what you believe and you speak about it. That is one situation. Another is people who believe certain things and who are thereby dedicated to

violent advocacy of those matters, and who would come here and try to stir that up or raise funds for the purpose of violent advocacy. That is something different. And so we need to make a distinction.

Senator SIMON. I could not agree more, but the law at the present time as it is applied—

Secretary SHULTZ. It compels us to have the shoe on the wrong foot. I think that is what it amounts to.

Senator SIMON. That is exactly right. Thank you, Mr. Secretary.

Senator SIMPSON. Mr. Secretary, that is something that we will address, and I suggest that when we get to legal immigration, changes in the INA, that that will be one of the topics: Exclusions, something the Select Commission talked about. We were ready to do it, but it is just too hot to deal with as we deal with illegal immigration. I assure you we will do that later.

Mr. Secretary, just a final comment. You speak of the United States as the problem solver in the area of Southeast Asia, and, in fact, we must do that. I look at this panel here, and each one of us on this panel together at various times have urged the administration to negotiate in the Cuban situation and with the Vietnamese at the senior level. That had been something I have spoken of for many times, not always with great popularity. But I just think that if we are going to address these serious concerns, ODP, orderly departure, immigration involving these countries—and we are doing splendid work in Cuba—but if we were to somehow get to the point to issues of repatriation in Southeast Asia, we are going to have to deal with the Vietnamese on a senior level. And if we want to resolve the Mariel Cuban issue, we must deal with people other than just through perhaps an interest section. POW's, MIA's, it all falls in there.

It just seems difficult for me to believe that we can be a problem-solver in Southeast Asia if we have no formal diplomatic relations with the problem-maker in Southeast Asia, and that is Vietnam. So what steps, if any, is this administration taking to make repatriation, reeducation camps, and ODP issues a higher priority in the focus of our bilateral relations with Laos and Vietnam?

Secretary SHULTZ. Laos and Vietnam are different situations. You focused on Vietnam which is the heart of the problem. Let me do so as well. We have had a lot of discussions with them about the POW/MIA issue and, through the UNHCR, on the Orderly Departure Program. There has been quite an intensive effort on those matters of humanitarian concern.

However, I disagree with you about the advisability of changing our broad political and economic policy toward Vietnam. Our policy is that in addition to insisting as a humanitarian matter on resolving particularly the POW/MIA issue, that Vietnam get out of Cambodia. That there be a resolution of that problem.

In taking that position, we have been supporting the ASEAN countries, particularly the Thais and others, but the ASEAN approach in general, and supporting them in the United Nations. And I think also letting it be clear what the result is for Vietnam of the isolation they have imposed on themselves by their policies which the world condemns.

If you talk to people who have been to Hanoi periodically over, let's say, the period of the last 10 years, they will tell you, at least as a matter of observation, if anything it is worse. However, if you have visited periodically any of the other Southeast Asian capitals, or even some of the cities that are not capitals, you see that there has been a genuine forward movement in the quality of lives of people, both in economic and political terms.

So part of the process of trying to bring about a change in Vietnam and getting them out of Cambodia is the process of letting them see what is happening, and letting everybody else see what is happening as a result of this isolation. So I do not think it would be a good idea to change it. Nor, do I think it would be a good idea to change our policy toward Cuba right now other than the sorts of things that we are doing.

Senator SIMPSON. I was just thinking of some senior level diplomatic probing which might bring about results in reeducation camp people, in ODP, and the things that seem——

Secretary SHULTZ. That we are doing. That we are doing.

Senator SIMPSON. You do not have any objection to that kind of probing.

Secretary SHULTZ. No, sir.

Senator SIMPSON. Indeed, there are not many countries on the face of the earth that we just have no diplomatic relations with: Libya and Albania maybe.

Secretary SHULTZ. Just a few cases, and I think on the whole we should not hesitate to have a diplomatic post in places where we have deep disagreement.

Senator SIMPSON. It is just that in my 7½ years here, we have the same problems go over and over and over. You know I have the greatest admiration and respect for you. It is good that I am not on the Foreign Relations Committee. They would have thrown me off of there. But it seems to me that somebody ought to try solving these issues, because we are asking for reeducation camp prisoners, and we want to do this, and we want to do that, but we do not get much talking done.

Senator SIMON. Would my colleague yield for a minute?

Senator SIMPSON. Yes, sir.

Senator SIMON. It does seem to me that, in the case of Vietnam and Cuba, it is very easy to yield to the national passion rather than the national interest. The national interest involves wooing those countries away from the Soviet Union. By yielding to the national passion, and excluding that option, we do not serve the national interest.

Secretary SHULTZ. Well, I do not think I am yielding to a national passion here. I am just telling you what I think in my most objective manner.

Senator SIMPSON. Mr. Secretary, I want to thank you very much. I know your schedule. You are overdue. I see some of your staff jerking their chairs around. Thank you. I want to commend you for what you do for our country, and the many issues that you deal with. We may not always agree, but you do it with substance and authenticity and great gusto. And I think that is something I admire greatly. So thank you very much. We appreciate your changing your schedule to be here.

Secretary SHULTZ. Thank you, Mr. Chairman, and members of the committee. I appreciate the chance to consult with you on this matter, and I think that the record of America with refugees over a long period of time, particularly in periods of recent turmoil, is something we can be proud of. But it is also true that over the years we have been great beneficiaries from the talents that have come to from all parts of the world including from parts of the world that we now address ourselves to.

Senator SIMPSON. Thank you, Mr. Secretary. We will now go forward with a panel consisting of Jonathan Moore, our recently appointed U.S. Coordinator for Refugee Affairs; Alan Nelson, Commissioner of the Immigration and Naturalization Service, Department of Justice; Robert Funseth, Acting Director of the Bureau of Refugee Programs, the Department of State; and Billie F. Gee, Director of the Office of Refugee Resettlement, Department of Health and Human Services.

So in order of the agenda, Mr. Moore, as I say greetings to you from all of us. You are a known quantity, I think, to most of us in what you have done in public life and with the John F. Kennedy School of Government at Harvard. It has been my pleasure to meet you before this and participate in activities with you on immigration. I congratulate you on your splendid appointment. We are very pleased to have you here today.

A PANEL CONSISTING OF JONATHAN MOORE, U.S. COORDINATOR FOR REFUGEE AFFAIRS; ALAN C. NELSON, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE; ROBERT L. FUNSETH, ACTING DIRECTOR, BUREAU OF REFUGEE PROGRAMS, DEPARTMENT OF STATE; AND BILLIE F. GEE, DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. MOORE. Thank you very much, Mr. Chairman. The Secretary has presented his statement and his views. I merely have a small personal statement I would like to begin this panel with, if I may, sir.

Senator SIMPSON. Please.

Mr. MOORE. It is my privilege to appear for the first time before this committee as U.S. Coordinator for Refugee Affairs. I look forward to being in close touch and in good communication with you, not just in formal consultations, but in informal and continuing contact as well.

I begin this job with high aspiration and strong idealism but with no illusions as to its difficult, complicated, and multifarious character. There are many tensions to be balanced, many competing pressures and requirements to be understood and respected.

Early in my tenure, to use an academic term which has a very different meaning in politics, I will be examining the role of U.S. Coordinator with some care to see how it might be strengthened, how it might be practiced more effectively. And I will look forward to talking with you further and seeking your views about that.

Clearly, it is based on a concept of collaborative effort, and I am pleased in that spirit to join my colleagues from the Departments of State, Justice, and HHS at this table. I want to contribute to this

consultation, but also I am here to learn, especially because I am not yet familiar enough with many of the questions at issue.

I have some prior experience in Southeast Asia, and the very special benefit of having recently served on the Ray Commission, as has been mentioned, but at the same time do not want to view an urgent worldwide concern too much via the perspective of a single region.

Likewise, even though the subject before us this morning is to consult on the refugee admissions ceiling to this country for the coming fiscal year, I want to emphasize, first, that third country resettlement represents a third durable solution and new energy and imagination must be brought to pursuing the first two, voluntary repatriation and regional resettlement; and second, that the United States cannot be left to address these humanitarian needs by itself but must continue to work within a dedicated international system.

Thank you, Mr. Chairman. I look forward to hearing the remarks of my colleagues and to taking questions from you and the members of the committee.

Senator SIMPSON. You have set a fine tone for speaking less than 5 minutes, but most importantly, you make a very sincere and precise comment. I notice your definition of tenure being different in academia than in politics, and I think we would all agree with you. Indeed, we will. Of course, I have noticed some in academie seem to blur the distinction between tenure and divinity—and that has come to my attention in years past. I do not think you ever had that problem, knowing you and watching you.

Alan Nelson, please.

Mr. NELSON. Mr. Chairman, members of the committee, a pleasure to be back with you again for this year's refugee consultations. I would also officially on behalf of the Department of Justice and INS like to welcome Jonathan Moore, and we look forward to working with him in his Coordinator's role.

The testimony of the Secretary of State has covered a great deal of the material, and with Mr. Moore's brevity, I see the need to likewise pursue. I would like to submit for the record our full statement.

Senator SIMPSON. Without objection.

Mr. NELSON. I might just touch, Mr. Chairman, on several areas. First, as I think the Secretary indicated, we must encourage refugees through the normal system, which I think we have done very well, and a record to be proud of. One of the examples that I think we all recently were aware of is the Sri Lankan group of 155 that came into Canada. This raises a concern for all of us of people jumping the cue, if you will, coming in illegally after they have resettled in other countries, as was the case with those people. It is important for this country to continue our policies to be sure that this kind of activity does not undercut our refugee program.

I might submit for the record in a moment, if I might, an article that I have written, and we have submitted to several papers, an op-ed type piece on that issue, and how our immigration policy works with respect to these illegal entrants that claim refugee status because I think that is a concern that we all have. And I would submit that for the record.

The comments, I think, by Senator Grassley and others and the Secretary of State, certainly the continued concern of the repressive policies of Soviet Government and others, there is a continued flow of refugees from that area. And we are hopeful that the Soviet Union will ease its restrictive emigration policies regarding Soviet Jews and others. And clearly this administration—I know the Congress is prepared to assist in the resettlement of this persecuted population. And that ties in a bit through this 4,000 unallocated numbers.

And I might expand on the Secretary's comments. I am appearing on behalf of Attorney General Meese who has a great personal interest in the refugee issues, and of course, this has been and remains an excellent partnership between the various departments represented here.

I think there are several areas in addition to what the Secretary said that are reason that we would strongly urge you, Mr. Chairman, and the committee, to go along with the administration proposal for this 70,000 number with the 4,000 unallocated.

One thing I think there was a feeling that it would be good to continue the same numbers we had last year, this 70,000, to show that we want to continue our focus in this area. As the Secretary said, this 4,000, and that represents just a little over 5 percent, is a flexible number to be used. We do not think it contradicts the spirit or the letter of the Refugee Act, and we think we obviously will work with the Congress.

One area we would hope is that there might be some extra funding develop. We do not know that. The funding roughly would cover the 66,000, but if there is some funding flexibility, we would have some more numbers to use and could do that, and should be able to do it.

The other thing as mentioned by the Secretary is this private sector initiative. We would like to explore that more. An example would be, let's say, there could be more Soviet Jews coming out. There might well be a situation where private organizations would be able to fund some of that, and I think that would be something that would tie together.

So I think there is multifaceted reasons here why we realize it is new and unique, but we think it is a reasonable approach, certainly well within the constraints of the act, and would strongly recommend it.

We are pleased, Mr. Chairman, with your comments and the others on the recent Cuban political prisoners that came out yesterday. Again, a lot of very good work. Our district director for Mexico City for INS personally conducted all those interviews and processed those people out.

I think the Secretary's answer was an excellent one covering the balanced concerns of trying to get the Cuban migration agreement back and at the same time dealing with the unique situation of some of the political prisoners. I think we have handled that well, and again, the 4,000 numbers we recommend in the refugee ceilings for 1987 is certainly partly a reflection of our continued interest and commitment in doing all we can to get that full immigration agreement reinstated.

We must do that. We are being burdened. Hundreds of millions of dollars and tremendous problems with those Cuban criminals that are here, and we must return them. At the same time, pursue a normal immigration pattern.

We are committed to continue working for that. Mr. Chairman, I would submit the rest of the matters for the record and terminate my statement. Thank you.

Senator SIMPSON. Thank you very much, Mr. Nelson.
[Statement and material follow:]

PREPARED STATEMENT OF ALAN C. NELSON

Mr. Chairman, I am pleased to appear before the Committee today to discuss the Administration's proposal for refugee admissions for Fiscal Year 1987.

The proposed Fiscal Year 1987 refugee admission ceiling is 70,000. Of this ceiling, we anticipate funding for 66,000 within amounts budgeted for 1987 and regional ceilings are proposed for these admissions. An additional unfunded 4,000 admissions are included in the worldwide ceiling to allow us to respond to currently unanticipated resettlement needs. In the event that this reserve were to be drawn upon, the additional admissions would be funded through reprogramming from lower priority programs.

Regional ceilings are proposed at the following levels:

East Asia/First Asylum	32,000
East Asia/Orderly Departure Program (ODP)	8,500
Eastern Europe and the Soviet Union	10,000
Near East and South Asia	8,000
Africa	3,500
Latin America and the Caribbean	4,000

The United States and this Administration in particular have taken the leading role in offering resettlement to refugees. Unfortunately, the numbers of such persons have not decreased nor have the oppressive practices of many regimes around the world ceased. The wait for a durable solution stretches out indefinitely for most refugees.

Some refugees refuse to wait. Western European countries, Canada and our country in particular are facing growing numbers of asylum-seekers who use illegal methods to leave the countries which have offered them first asylum to gain admission elsewhere, often to more developed countries. A graphic example of this phenomenon was seen recently with the arrival by boat of the Sri Lankan Tamils in Canada. Nations facing these problems must take stern measures to prevent abuses of their laws by asylum-seekers.

At the same time this country wants to encourage refugees waiting for an offer of resettlement to continue to stay in their countries of first asylum. We will continue to support and assist them in those countries; at the same time we will offer resettlement to those most in need, but only to those who satisfy our laws. A generous ceiling will reaffirm our commitment to those in need and shorten their wait.

With respect to the proposed regional ceilings, they are based on our projections of the eligible refugee populations for which there are resources

to process and admit to the United States in Fiscal Year 1987. In the instance of Southeast Asia/First Asylum, 32,000 should be adequate to resettle Indochinese currently living in countries of first asylum who fled their native countries because of having been persecuted or their fear of persecution. We also expect to offer resettlement to additional persons in first asylum from this region who are seeking to join family through a greater use of normal immigration. In this regard it is important to note that the immigrant visa channel is the appropriate mechanism within the law to achieve family reunification for persons who cannot meet the definition of refugee which is established in the Refugee Act. In this way, the refugee program will be reserved for those whom the Refugee Act intended: persons who have a well-founded fear of persecution.

The allocation of 8,500 admissions for the Orderly Departure Program is evidence of our commitment to providing an alternative safe means for persons fleeing persecution in Vietnam to resettle elsewhere. Additionally, approximately 60,000 Vietnamese appear to be currently eligible for immigration to the United States. We look forward to the restoration of the ODP and with it the reuniting of many Vietnamese families through an expanded immigration program.

Turning to the Near East and South Asia, the allocation is 8,000, an increase of 2,000 over the 1986 ceiling. We at the Immigration and Naturalization Service (INS) are particularly sensitive to refugees fleeing this area inasmuch as it has been the source of a number of refugees who have departed first asylum and attempted to "jump the queue", so to speak, to obtain resettlement in the United States. We are hopeful that the more generous ceiling proposed for Fiscal Year 1987 will help reduce large backlogs and lengthy processing periods and thereby diminish the incentive to abandon first asylum in search of resettlement in the United States and other developed countries.

With respect to Eastern Europe and the Soviet Union, the modest increase should reduce the lengthy waiting periods for some refugees who have reached first asylum in Western Europe. At the present time the number of Eastern European arrivals in Western Europe appears to be relatively stable, and the allocation appears adequate to assist first asylum countries in Western Europe who have traditionally been generous in their offers of safe haven and resettlement to their neighbors. However, the repressive policies of the governments in this region have not diminished and the flow of refugees seeking freedom is not likely to decrease. In this regard we are hopeful that the Soviet Union will ease its restrictive emigration policies regarding Soviet Jews. Should there be progress on this issue, we need to be prepared to assist in the resettlement of this persecuted population.

With respect to the ceiling for refugees from Africa, INS is committed to doing its part in a program which allows us to resettle refugees who may be in danger

in the first asylum country. In these situations, resettlement out of the region is necessary for their protection. Moreover, we believe the added numbers show our determination to increase our resettlement offers to those for whom no long-term solution is in sight. Further, additional resettlement may be needed should events in South Africa lead to an exodus.

Finally, the proposed allocation of 4,000 for Latin America should signal our continuing interest in restoring the 1984 Migration Agreement with Cuba. At the same time, our proposal allows us to extend the opportunity for resettlement to other nationalities in the region. Among the 300,000 refugees in Central America there are some for whom resettlement outside the region may be the only solution. The United States will participate in a resettlement program for these refugees. It is significant to note that INS has granted asylum to more than 3,000 Central American refugees since 1984; grants by immigration judges have added to those numbers. Clearly a small resettlement program will further demonstrate our commitment to refugees from that region.

Additionally, the Administration is proposing an unallocated reserve of 4,000 admissions. These numbers would allow us to respond to needs which may arise during the fiscal year such as increased emigration from the Soviet Union or the release of re-education camp prisoners in Vietnam. Should such unanticipated situation arise, the Administration could offer additional resettlement if done within existing budgetary resources.

In this regard, we applaud the decision of the Administration to explore private sector alternatives to meet refugee admission needs. The President has consistently favored a fair policy towards refugees. Greater reliance on private sector resources would enable us to complement and supplement the present publicly-funded program. We are confident that, working together with organizations in the private sector now assisting refugees, an effective program can be developed.

Additionally, I am pleased to report on the decision made at INS to overcome the delays inherent in normal immigration by invoking the Attorney General's humanitarian parole authority on behalf of Khmer immigrant visa beneficiaries in camps on the Thai-Cambodian border. As the Secretary of State has reported, as many as 500 Khmer may now be eligible. Since announcing the program in May we have approved 41 requests. In order to expedite the departure of all those who may qualify, we are currently setting up procedures in Bangkok to identify potential beneficiaries. Prompt access for interview and processing, however, remains a concern.

Briefly, on the issue of denied Khmer, we recognize that questions remain. We have stated that, should evidence be submitted which suggests an error was made in any individual case, INS will reopen and reconsider the decision. We do not claim infallibility. However, within our resources and to the best of our

ability our officers have made their decisions, approving 90% of the cases, and accepting over two-thirds of the Khmer resettled worldwide. It is a record we are proud of.

Turning to asylum matters, INS has been working closely with the Attorney General's office to develop new procedures for the consideration of asylum claims. We look forward to discussing them with you in the near future and to receiving your comments. The proposals now under consideration, in my view, will greatly assist the government in identifying refugees in our midst who are deserving of protection.

Looking back on the year, we can take great pride in our accomplishments; almost 63,000 refugees and more than 5,000 asylees will have found safety, freedom and a new home in the United States this fiscal year. We have learned a great deal since passage of the Refugee Act in 1980, and I look forward to putting our experience to use next year with a program which is generous and humane as well as consistent with the law.

Thank you.

THE UNITED STATES MUST NOT BE VICTIMIZED BY BOGUS REFUGEES
OR LAX ENFORCEMENT OF OUR IMMIGRATION LAWS

BY

Alan C. Nelson, Commissioner
U.S. Immigration and Naturalization Service

Could the recent illicit arrival in Canada of 155 Sri Lankans, who paid large sums of money to be smuggled aboard a freighter and dropped off near the Canadian shore, have happened in the United States? What would have been the reaction of the American public?

Such an arrival could happen in the United States if we fail to continue our present policies. The presence of some 10 million refugees around the world, many of them seeking emigration to industrial nations, is a reminder that the United States must maintain its firm, but fair policies to provide an orderly flow into this country. In the absence of such vigilance we could face unlimited and uncontrolled illegal entry of people.

The recent Canadian experience with the 155 Sri Lankans would not be accepted by the American people. Americans are a generous people, but justifiably do not like being duped or having improper advantage taken of this generosity.

As various news articles pointed out, the Canadian public and Parliament are displeased and may seek changes in their procedures. Some members of Parliament reported their constituents were "outraged" over the government's decision to allow the Sri Lankans to remain in Canada for one year, although their claims to be refugees have not been validated.

A Miami Herald headline on August 17, 1986 said: "Immigrants Find Canada a Soft Touch - Bogus refugees get quick asylum." The Wall Street Journal on August 18 headlined an article: "Landing of 155 Sri Lankans in Canada Fuels Debate on Lax Immigration Laws." On the same date the Washington Post said: "Canada Feels Duped By Tamil Refugees."

A Boston Globe article on August 17 noted: "In contrast, people who enter the United States illegally claiming to be refugees are either deported, as in the case of the Haitians who arrived in Florida, or placed in detention centers while their claims are processed."

In 1980 some 15,000 Haitians illegally entered the United States by sea following the Carter Administration's failure to carry out the law requiring detention of such excludable entrants. After that policy was reversed by the Reagan Administration and a program of interdiction at sea was implemented, the unlawful boatlift virtually came to a halt.

Despite protests and litigation by those who would have us throw open the nation's doors to all who can reach our shores or cross our borders, the courts have repeatedly upheld administration immigration policies as carrying out the law.

More recently, protests have been voiced by some on Capitol Hill and by certain special interest groups about the Administration's policy of detaining foreign nationals from various countries who, after resettlement in third countries, buy plane tickets and phony immigration documents to come illegally to the United States and apply for asylum. Asylum in the United States is not warranted for those who have already found safety in other free countries. United States law and policy call for detaining these people until they can be returned to the country in which they have resettled. This approach, has been a deterrent to groups similar to the Sri Lankans attempting to reach the United States.

INS investigations have revealed that, like the Sri Lankan excursion, these journeys usually are well financed and planned far in advance. Hamburg police sources say the Tamils who reached Canada were on a clandestine voyage that may have been intended as the first of many in a lucrative operation that would have ferried hundreds of German-based Tamils to the Canadian coast. By playing upon the sympathies and goodwill extended by Americans, as well as Canadians, such journeyers attempt to permanently relocate, avoiding immigration quotas and normal refugee selection systems and jumping the line ahead of thousands of others who obey the lawful system.

The United States has the most generous refugee policy of any nation in the world. Last year nearly 70,000 refugees were legally admitted to the country. In addition, another 6,500 persons were granted asylum here by demonstrating that they had suffered persecution in their home country. Further, nearly 600,000 immigrants came to the United States through legal channels.

Our sovereign right as a nation to determine who comes into the United States and the credibility of our immigration laws are put to regular tests by illegal boatlifts, the so-called sanctuary movements and the regular clandestine crossing of our borders by hundreds of thousands of persons monthly. If we permit self-declared "refugees" to take advantage of our generosity, as the Sri Lankans took advantage of Canada's, then the American public may soon demand a stop to all refugee programs. This is particularly true if the public recognizes the potential for huge numbers making such illicit entries under a variety of schemes.

We may be seeing signs of this reaction already. A recent New York Times poll revealed that a growing percentage of Americans would like to see legal immigration to the United States reduced. This may well be a backlash to the uncontrolled illegal immigration the nation has been experiencing in the past decade.

The greatest cost, however, may be in the threat to our immigration heritage, which has seen more than 50,000,000 people leave the lands of their birth and adopt the United States as their homeland.

To preserve this generous immigration system for the future requires difficult decisions and the need for recognition of the long term need for a firm and consistent policy. The American public understands the necessity for strong, fair enforcement of our immigration laws and demands that it be continued. The people have spoken through their Congress, which voted the laws, and these laws reflect the will of the majority of Americans.

Senator SIMPSON. And now Robert Funseth, please. It is nice to have you here, sir.

Mr. FUNSETH. Mr. Chairman, I think it is a Wyoming proverb that discretion is the better part of valor, and having followed the Secretary and the new coordinator, I have no statement for the record, but would be pleased to participate in the discussion.

Senator SIMPSON. I appreciate that, Mr. Funseth, and I think, as Mr. Moore has indicated, that the questions I have probably will be addressed to you, and Jonathan can add when we get to that part. I thank you for that.

Billie Gee, please. Do you have any statement that you wish to share with us?

Mr. GEE. Yes, sir. Mr. Chairman, I would like to make a brief statement, and I will submit a complete statement for your records here.

Senator SIMPSON. Without objection, that will be received.

Mr. GEE. Mr. Chairman, members of the committee, I am honored to appear before you today in my position as Acting Director of the Office of Refugee Resettlement, Family Support Administration, Department of Health and Human Services.

Although my tenure with the Office of Refugee Resettlement has been relatively brief—I have been here 4 months and Jonathan Moore and I have already had a couple of conversations—I am quite conscious of the importance of this consultation hearing in maintaining this country's tradition of humanitarian commitment and concern.

I am here to represent the Department and to discuss from a domestic policy perspective the administration's proposed level of refugee admissions for fiscal year 1987. I would also like to take this opportunity to provide you with a brief update on the status of our domestic resettlement efforts and key program initiatives undertaken in fiscal year 1986.

Mr. Chairman, we support the President's proposal to establish a ceiling of 70,000, including a contingency reserve of 4,000, for refugee admissions to the United States in fiscal year 1987.

We do not believe there will be any major problems in providing for the needs of this number of refugees for interim assistance and services. Our budget request, currently pending before Congress, is \$373,998,000, and is based on a proposal to make payments to States for refugee assistance costs for an initial resettlement of 18 months under an all-Refugee Cash Assistance [RCA] Program funded entirely by the Office of Refugee Resettlement.

If we were to operate in fiscal year 1987 at the requested level, we believe that the proposed 70,000 level of admissions could be accommodated without the need for additional funds.

One factor in our favor is that fiscal year 1986 admissions are expected to be below this year's ceiling of 67,000. Therefore, the impact of fiscal year 1986 arrivals on fiscal year 1987 costs will be less than originally anticipated. Another factor affecting our costs has to do with the time during the year that refugees actually arrive in the country.

If the 4,000 refugees who comprise the unallocated contingency arrive late in the fiscal year, their cost impact in fiscal year 1987

will be minimal although program costs, then, for the fiscal years 1988 and 1989 will have to increase to reflect those arrivals.

Of course, it is difficult to estimate with precision the future costs for cash and medical assistance since our estimates depend on the future number of refugees who arrive, the time of their arrival, the proportion who will require cash and medical assistance, and the period of time for which they require such assistance.

Also unknown to us at this time is the degree to which our 1987 funding will be affected by reductions necessitated by Gramm-Rudman-Hollings. As you know, the basic purpose of the Domestic Refugee Resettlement Program is to help refugees become employed and self-sufficient as soon as possible after arrival in the United States, and to give Federal funds for costs that would normally be a State or local responsibility. States are paid for the costs incurred in providing cash and medical assistance to refugees who have been here for 31 months or less.

Under a separate grant, States are awarded funds to support a broad range of social services critical to refugees' adjustment in their new homeland and in developing the basic skills and knowledge necessary to provide for the economic security of the individual or the family.

Mr. Chairman, and distinguished members of the committee, I appreciate the opportunity to have been included in this important deliberation, and will be happy to answer any questions that you might have. Thank you.

[Statement follows:]

PREPARED STATEMENT OF BILL GEE

Mr. Chairman, Members of the Committee, I am honored to appear before you today in my position as Acting Director of the Office of Refugee Resettlement (ORR), Family Support Administration (FSA), Department of Health and Human Services (DHHS).

Although my tenure with ORR has been relatively brief, I am quite conscious of the importance of this consultation hearing in maintaining this country's tradition of humanitarian commitment and concern. I am here to represent the Department and to discuss, from a domestic policy perspective, the Administration's proposed level of refugee admissions for fiscal year 1987. I would also like to take this opportunity to provide you with a brief up-date on the status of our domestic resettlement efforts and key program initiatives undertaken in FY 1986.

Mr. Chairman, we support the President's proposal to establish a ceiling of 70,000, including a contingency reserve of 4,000, for refugee admissions to the United States in fiscal year 1987. We do not believe there will be any major problems in providing for the needs of this number of refugees for interim assistance and services. Our budget request, currently pending before the Congress, is \$373,998,000, and is based on a proposal to make payment to States for refugee assistance costs for an initial resettlement of 18 months under an all-Refugee Cash Assistance (RCA) program funded entirely by ORR. If we were to operate in FY 1987 at the requested level, we believe the proposed 70,000 level of admissions could be accommodated without the need for additional funds.

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As you know, the basic purpose of the domestic refugee resettlement program is to help refugees become employed and self-sufficient as soon as possible after their arrival in the United States and to give Federal funds for costs that would normally be a State or local responsibility. States are paid for the costs incurred in providing cash and medical assistance to refugees who have been here 31 months or less. Under a separate grant, States are awarded funds to support a broad range of social services critical to refugees' adjustment in their new homeland and in developing the basic skills and knowledge necessary to provide for the economic security of the individual or family.

Welfare Dependency

One of my first lessons has been the importance accorded the welfare dependency rates as the measure used by the Congress as well as public and private sector program officials in assessing the extent to which refugees (individuals or households) have achieved the goals of self-sufficiency and economic independence. I gather that it is also interpreted as an indication of the effectiveness of Federal resettlement and State welfare policies to work towards these goals.

Currently, over one-half of the refugees who have been in the country less than three years are living in households that receive

public assistance. In some States, the number appears to be over fifty percent even after five years. The data also reveal other interesting details. Based on FY 1985 end-of-year data, California's welfare dependency rate is 90.1 percent, up 5 percent from the preceding fiscal year; Massachusetts' dependency rate has grown from 71.4 percent to 80 percent; and Washington State's rate has jumped from 55.4 percent to 69.4 percent even though there has not been a significant increase in the number of refugees resettled in that particular State.

On the other hand, there are 36 states with welfare dependency rates at or less than 35 percent. This is due, in part, to thriving local or state economies which create employment opportunities. In many instances, it also reflects welfare policies of States with relatively low benefit levels which make employment, even entry-level jobs in many cases, preferable to welfare. Most importantly, I believe that the success of many states is attributable to a commonly shared view that the refugees' long-term interests are best served by early work experience where they can renew their sense of self-worth, of pride in self-reliance, and of independence in the freedom of making economic choices.

I believe that the challenge of implementing an even more effective resettlement program requires innovative thinking in developing or improving upon existing service and policy responses which create opportunities for self-sufficiency and economic independence. It also requires a clearer understanding of the major barriers which prohibit or discourage successful resettlement. It demands that we direct our funding resources towards responsive solutions. I believe that through the collective wisdom and experience of those in the refugee program network, ~~including~~ our refugee-based organizations, such solutions can be identified and initiated.

Those of us in the Office of Refugee Resettlement recognize the importance of approaching the problem of welfare dependency from three fronts: 1) removing the institutional barriers (i.e., statutory,

regulatory, program policy) which discourage self-sufficiency; 2) focusing our employment initiatives on refugees who without special efforts, cannot be placed in jobs, (such as second wage earners in a household); and 3) meeting the special needs of refugees which would produce disabling effects should they go unmet or unrealized.

I would like to take this opportunity to highlight those ongoing initiatives or those proposed for next fiscal year which reflect our determination to address the barriers to self-sufficiency that I noted above, and to obtain Federal cost reductions which are essential in our efforts to address the national deficit.

o Fish/Wilson Demonstration Projects

Two projects, in California and Oregon, have been implemented under the authority generally referred to as the Fish/Wilson Amendment in the FY 1985 Continuing Resolution (P.L. 98-473). Although both projects have been in operation for a year, we have not yet received performance data which fully covers this time period. However, preliminary reports show that the projects are progressing as planned. We are looking towards the second year of operation as the critical point in determining the extent to which these projects increase refugee employment.

In addition, we have received eleven preapplications for demonstration projects this fiscal year. Of the eleven, one has been approved (State of Massachusetts); eight have been disapproved; and two are pending review. Applications have been received from state agencies and private organizations including MAAs and volags. Since a substantial number of preapplications have not been of good enough quality to consider funding, ORR will review its technical assistance strategies, as well as its guidelines for bidders, to determine whether the quality of projects being proposed can be improved.

o High Welfare Dependency States Conference

In May 1986, ORR convened a meeting of refugee coordinators from seven high-welfare States -- California, Washington, Wisconsin,

Minnesota, New York, Pennsylvania, and Massachusetts -- to discuss ways to reduce refugee welfare dependency. A number of recommendations for consideration by ORR and the respective States came out of this conference. Follow-up activities are currently being formulated.

o ORR's Proposed Rule - Part II

On January 30, 1986, ORR published in the Federal Register, for public comment, a proposed rule setting forth requirements covering the basic operation of the State-administered refugee resettlement program and policies related to assisting refugees in achieving earlier employment and self-support.

We received approximately 250 comments, which we are currently reviewing. ORR will be consulting with State refugee program coordinators and others in refugee resettlement on these policies before determining final actions.

o Targeted Assistance Program

ORR has announced the availability of FY 1986 targeted assistance funding in the amount of \$47,850,000 for twenty States. Two important modifications have been made in the FY 1986 announcement: 1) A State which has more than one targeted assistance site may choose to continue the same proportional allocation to the counties as in the past, or the State may reallocate funds among sites because the need for services has changed; and 2) services funded under targeted assistance are to focus primarily on those refugees who, either because of their considerable use of public assistance or continued difficulty in securing employment, constitute a major resettlement problem. It is expected that these funds will carry targeted assistance project activities through March 31, 1988. ORR did not request any targeted assistance funds for FY 1987 as the major problems of impact will be addressed and normal social service allocations will be sufficient to meet refugee services requirements.

o Comprehensive Discretionary Social Services (CDSS)

For the second year in a row, ORR has made available to States, on

a competitive basis, a considerable portion of its discretionary funds for two important purposes: 1) to encourage States to analyze their current service delivery strategy and through this process identify critical, unmet service needs; and 2) to encourage the development of initiatives for or direct specific services to refugees who, for various reasons, are difficult to serve or those who have special needs currently not encompassed in State social service delivery systems. Approximately \$4.3 million has been approved for 44 projects in 18 States for FY 1986.

o Refugee Mental Health Initiative

In furthering our commitment to the mental health needs of refugees, approximately \$2.5 million was awarded in FY 1986 as part of a multi-year cooperative agreement with the National Institute of Mental Health (NIMH). The purpose of implementing a national refugee mental health strategy is two-fold: 1) to encourage States to provide culturally sensitive diagnostic and preventive mental health services to high-need refugee populations; and 2) to establish a National Refugee Mental Health Resource Development and Technical Assistance Center to aid States, mental health agencies, and refugee service providers.

o Regional Consultations on Refugee Resettlement

During the current fiscal year, the Office of Refugee Resettlement, in collaboration with the Department of State's Bureau for Refugee Programs and the Office of the U.S. Coordinator for Refugee Affairs, hosted a series of six regional consultations on refugee resettlement. These consultations were held in Atlanta, Boston, Seattle, Dallas, Chicago, and San Diego. Over 1,000 representatives of Federal, State, and local governments, national and local voluntary resettlement agencies, refugee-based organizations and service providers participated in these policy forums. The theme of the consultations, "Refugee Resettlement: A New Decade," was chosen for the purpose of focusing attention on adjustments that are likely to be made in a new era of changing international and domestic circumstances.

o ORR Planning Workgroup

Contrary to the resettlement experiences of the past decade, we begin the new decade with a different set of fiscal realities and the potential for changed directions in the refugee program. What this adds up to is the need for those of us in the refugee program to plan for, rather than respond to, changes visible on the horizon.

As a result, I have convened an ORR Planning Workgroup to make recommendations as to what the priorities of this office should be for the next three years including a plan for targeting scarce funding and staff resources. Workgroup members are also taking a close look at ways in which the coordination between Federal and state agencies can be improved. The workgroup composition is representative of the key components of the refugee program network (i.e., state refugee program coordinators, national voluntary agencies, and mutual assistance associations, in addition to ORR central and regional office staff).

Simultaneously, I have set in motion a complementary study which is reviewing program outcome findings in relation to the objectives of the program. The intent is to assess how well the existing structure of the program has served our objectives and what this suggests about the need to reconsider our options and approaches for services and other assistance for resettlement. The review process will involve representatives of the Office of the U.S. Coordinator, and the Bureau of Refugee Programs, as well as individuals from a broad spectrum of the private sector and public interest groups. The efforts of this study and that of the workgroup will complement each other to cover the full range of options for considering how to most effectively conduct the program of refugee resettlement.

In these efforts, Mr. Chairman, we will of course be sharing the findings and recommendations with the Committee and would hope to have more discussions with Members of Congress and your staffs during the coming year to seek your views on the program.

Mr. Chairman, distinguished Members of the Committee, this concludes my testimony on the domestic refugee resettlement program. I appreciate the opportunity to have been included in this important deliberation and would be happy to answer any questions that you might have at this time.

Senator SIMPSON. Thank you very much, Mr. Gee. I will take a short round, and then Senator Simon or Grassley, whatever their schedules are. If you have some questions you want to ask, Senator Simon, we will get to those. I will take 10 minutes then and defer to Senator Grassley. I know he has a previous commitment. So let me go forward here on these figures. That is what we are here for today.

Three years ago, the first asylum refugee population was 176,000 persons, according to figures provided in the consultation. In October of 1985, the population was 152,700. In August 1986, the population was 151,000. Thus, this population has declined by only 25,000 in 3 years, and by only 1,700 in the last year.

Three years ago, our refugee coordinator told us that camp populations would be halved by fiscal year 1986; that the United States should be accepting Southeast Asian refugees in the number of 10,000 to 20,000 range, and that other—and this was a key—that other resettlement countries would be accepting refugees in the 5,000- to 7,000-person range. Well, that is the only part of the prediction that came true.

France, Australia, and Canada went down to those numbers but not the United States. My question is, Is the United States making progress in Indochina? What will be the flow in 1990 and 1995, or are we really just operating an open-ended program which is never going to stop?

Are we doing that to satisfy various constituencies, or from pressure from those who obtain a livelihood from the program—and there are some? I do not think the American people quite understand that, but there are, indeed, those constituencies. That is a long, multilayered and interesting question that I would hope you would have some response.

Mr. FUNSETH. Mr. Chairman, as the Secretary noted, there is no answer to the question as to what the refugee situation in the world is going to be in 1990. The reason that the populations have not gone down, as you have noted, is because of Hanoi. People continue to leave Vietnam, not only for reasons of economic deprivation but for reasons of political persecution and oppression.

You have correctly referred to the fact that it is an international effort, and we are proceeding on that. As often happens, it does not go as fast as we would like it to. Ambassador Moore and I will be meeting with representatives of Australia, Canada, and Japan in a few weeks time in Geneva to continue the discussions that we have had with those representatives of those governments to arrive at a coordinated policy in Southeast Asia. We would try to implement the sort of two-track approach that we have discussed with you and you have urged upon us—that of encouraging family reunification through the immigration route and reserving the refugee numbers for those people that are genuinely fleeing for reasons of political persecution. As I said, it has not moved as fast as we would like. It has to be an international effort, not a U.S. effort, and always hanging over our heads, of course, is the situation in Vietnam itself, one of the most regrettable human rights records in the world which causes people to continue to flee.

As the Secretary noted, one of the real disappointments of this year is the Vietnamese unilateral suspension of the Orderly Depart-

ture Program, which, as you know, not only includes the 8,500, approximately the ceiling we sought for refugees, but also over the years an ever-increasing number of people coming out as immigrants.

Now, unfortunately, the Vietnamese unilateral suspension of the ODP is also hampering the programs of other countries like Australia and Canada. This has created a very worrisome situation and raised questions and doubts as to whether the ODP will continue to be a viable alternative to the dangers of clandestine flight. The Secretary noted we have had meetings with the Vietnamese in Geneva and Hanoi and Ho Chi Minh City and Bangkok.

I think we have made a little progress with them, but again, it is much slower than we would have hoped. We feel that the unilateral suspension was unwarranted, and as we predicted, we are beginning to get information that people are leaving Vietnam who are on the ODP lists, and obviously are disheartened by this suspension.

Senator SIMPSON. It is true, is it not, that the proportion of Indo-chinese accepted by Australia and Canada has declined, and then the U.S. share has expanded; is that not where we are?

Mr. FUNSETH. I think over the past several years that all of our programs have decreased approximately at the same rate, Mr. Chairman.

Senator SIMPSON. It disturbs me that these other fine allies and compatriots and compassionate countries are reading a different set of tea leaves than we are, or something. They are saying it is over. That really what was there 11 years ago has ceased, and what we are finding now, the bulk of these people are economic migrants, people who do not like another government. They do not like the draft, they do not like their fishing rights taken away—but they are not refugees. Why is it we take so long to get the message when the other countries who have been in it as long as we have seem to be doing well in discerning honestly those who are refugees and those who are not?

Mr. FUNSETH. As the Secretary said, we only accept people as refugees who are refugees. There are people who are denied refugee status not only in Southeast Asia but elsewhere in the world. I think that the principal countries, Canada, Australia, and France, have similar criteria as we do as far as the refugee programs are concerned. Now, there is a distinction in the Orderly Departure Program. Australia and Canada, the other principal countries, follow a policy of immigration and family reunification.

The United States follows a policy which we believe is consistent with the memorandum of understanding that the UNHCR signed with Vietnam in 1979—that the program, the Orderly Departure Program, was for both purposes of family reunification and humanitarian reasons.

And we believe that it would only be effective as an alternative to the extent that it reaches that population. I might add, Mr. Chairman, that just looking at the figures of Canada, Australia, and France in 1984 and 1985, in 1984 those three countries plus the rest of the world admitted about 25,000, and in 1985 they admitted about 24,700. So the rates have been decreased, but so have ours.

Senator SIMPSON. What do you have on that this year?

Mr. FUNSETH. Well, this year Canada has dropped as of the first of August. We do not have the figures since then. Australia is 6,000, which is less than the 7,200, but again we have several months to go. Canada is 3,200, and I do not have the figures for France or the rest of the world at this time.

Senator SIMPSON. But they have all dropped this year.

Mr. FUNSETH. Yes.

Senator SIMPSON. I think if there is no answer, and you suggest that, you say there is no answer to the question. Can we then say honestly, and with certainty, that these prior predictions of managing down this flow, the first asylum flow, are then really no longer accurate?

Mr. FUNSETH. Well, the numbers, Mr. Chairman, have come down, but there has been a leveling off, and it is hard to predict how people will react to the situation inside Vietnam. That is the unpredictable factor in the equation in Southeast Asia.

Mr. MOORE. May I add something, Mr. Chairman?

Senator SIMPSON. Yes, Jonathan.

Mr. MOORE. What I want to address is the very legitimate sense of dissatisfaction or frustration with the open-ended nature of the problem, as you put it. I cannot address the earlier question, of course, of why these predictions were made or what they were based on at the time.

It does not seem, it is not apparent, that they are bearing out. If I could just for a moment address your basic question from the point of view of the Ray Commission. It is true that when we went there we noticed the changes in the profile of the refugee populations. We could see a higher proportion of people who looked as if they were economic migrants rather than looked as if they were essentially people who were fleeing persecution.

We also worked to come up with the beginnings, at least, of a formula which would put a little less emphasis on the refugees stream or system and a little bit more emphasis on the more normal, more regular immigration stream or system.

We were worried about, and we noted in our report, the so-called magnet effect, whereby various things that we might do either to continue existing policies, or even to adopt new policies, could actually attract greater refugee flows than would otherwise be the case.

In short, we were trying to wrestle with the open-ended question. But we also found that the flow continues. That is to say the flow of people who can genuinely qualify as refugees under the internationally accepted definition. And we could find no other course but to reaffirm the basic policies and practices of our Government to give aid and assistance to those peoples.

In other words, the change of the profile did not let us off the hook as long as the legitimate stream was continuing. We were very worried about the question of the long stayers. What is going to be done with these perhaps most needy and pathetic peoples who also at the same time provide the greatest worries for the first asylum countries?

And in the efforts to deal with the need to protect what we thought was an increasingly fragile commitment to first asylum, we recognized the need to demonstrate to the first asylum countries a continuing commitment to resettlement and not a walking

away from that problem. Now, in other words, we were driven by the same kind of attitude that you expressed, Mr. Chairman, but as we attempted to analyze the situation and deal with it, we found that it was not easily addressed.

Now, we must reassert our efforts to deal with a changed situation in a changed way while at the same time attempting not to ignore what we regard as the reality of the situation. To an extent, you are not going to be able to end it when you would like to end it. But some of the numbers are encouraging, and some of our new ideas which we need to examine and consult about further may be promising.

Senator SIMPSON. Well, it is going to be very good having you where you are. That statement—and it was very crisp—was made over 5 years ago by this administration. And that is the frustration for me, sir. We were seeing the change in the refugee stream more than 5 years ago, and yet we still continue on as before with a large Southeast Asia refugee program because we do not know what else to do.

I know that you with your perceptions will find out what we ought to do. And that is what I am hoping for. Senator Simon, please.

Senator SIMON. Thank you, Mr. Chairman. Commissioner Nelson, if I may, did you read the New York Times story yesterday about this Finnish woman who is about to be deported?

Mr. NELSON. No, Senator; I did not. I am aware very, very generally of the issue, but I did not read the article.

Senator SIMON. I would appreciate it if you would. In fact, I will give you a copy. When she was a student she belonged for a very short time to the Communist Party. She then resigned in writing, and then some years later immigrated to the United States. Because she once belonged to the Communist Party, and responded truthfully to the question when asked, we suddenly want to break up her family.

Her teenage daughter, stepdaughter, wrote this letter. It would be directed to you, I guess.

If she is deported, I would lose not only a loving mother, but my father and baby brother as well. She loves this country. Please don't change her feelings.

We will get this copy to you, and if you could get back to me on that, I would appreciate it.

[Material submitted for the record follows:]

(New York Times)

Leila Eways (nee Hurmila), is a native and citizen of Finland, born September 3, 1955. She applied for and was issued a visa at the U.S. Embassy in Helsinki, Finland, in 1979, for a temporary visit to promote tourism in the United States. This visa was issued only after the Department of State and the Immigration Service had concurred in a waiver of section 212(a)(28) of the Act for this temporary visit. Ms. Hurmila required this waiver because she indicated on her visa application that she was a member of the Communist Party of Finland from 1976 to 1979. The discretionary authority to waive Party membership for a temporary visit is contained in section 212(d)(3) of the Act. Discretion is usually exercised when it can be shown that there is a humanitarian purpose for such a visit, to carry out a national policy such as facilitation of trade or business, to permit travel in connection with the exchange of educational or cultural ideas, or when the visit relates to the foreign affairs of the United States.

After her entry into the United States, Mrs. Eways married a United States citizen, Philip Eways, who filed a visa petition on her behalf. Mrs. Eways also submitted an application to adjust her status to lawful permanent resident to the Service office in New York City. The visa petition, establishing the legality of the marital relationship for immigration purposes, was approved; the adjustment of status application was denied because of Mrs. Eways' Communist Party membership.

Although the discretionary waiver authority of section 212(d)(3) does not apply to permanent residence situations, section 212(a) does contain two situations where membership in such organizations can be disregarded and the applicant can be admitted for permanent residence. The first instance is where such membership was involuntary, or was solely while under the age of sixteen, or was by operation of law, or was necessary for the purpose of obtaining employment, food rations, or other essentials of living. The second instance is where the applicant, since the termination of membership, has been actively opposed to the doctrine, program, principles, and ideology of the party or program for at least five years, and the admission of the applicant would be in the public interest.

Mrs. Eways reapplied for permanent residence status again in May, 1986, and included additional information at that time attesting to her loyalty to this country. On September 29, 1986, the Service again denied her application for permanent residence, citing her previous Communist Party membership and the determination that the evidence she had submitted did not establish that she was actively opposed to the doctrine, program, principles, and ideology of the Communist Party for at least five years after she had ceased membership.

There is no appeal to the denial of an application for adjustment of status to that of lawful permanent resident, but the application can be renewed before an immigration judge. To allow Mrs. Eways this opportunity, the District Director has issued an order requesting Mrs. Eways to show cause as to why she should not be deported from the United States. Mrs. Eways may then renew her request for permanent residence during this deportation hearing.

Mr. NELSON. We will certainly look into it, sir. I might just expand. You had a good dialog with the Secretary of State on that general issue. We obviously get a lot of these cases that get a lot of press attention, sometimes accurately displayed; sometimes not.

I think we need to put the whole matter in perspective. We have 300 million people a year coming into our country, returning citizens, immigrants, visitors, so forth, $1\frac{1}{4}$ times our population. So we actually inspect that many people per year. It is natural that you are going to have some cases where there is a problem, some cases where there are errors made. Actually, it is amazing that there are so few.

We also are concerned about terrorism, about illegals coming in, so you have to have a system to check. So we have lookout books and things with names. At times those names are outdated and so forth. And then we are certainly committed to working with that. Many times inquiry can clear these things up, too, and I think in some of these cases—the *Farley Mowat* case is a perfect example where I think the only crime committed, so to speak, was that the U.S. Government did not get a share of the royalties that he generated by reason of the big flap that he generated—easily could have been corrected, but people chose not to.

And there is some of that going on. But we certainly are concerned, and as the chairman indicated, I know the administration too is willing and interested in working with Congress in reviewing all the laws in that area. So I think we are with you in working on the general issues, and certainly on the individual cases. I will check on this Finnish case.

Senator SIMON. I thank you. Ambassador Moore, we welcome you here in your new role. My staff tells me there are reports from volunteer agencies that some of the people in camps along the Thai border have been approved for visas on family reunification grounds, but have not been moved from the camps. Could you explain the situation? Either Mr. Funseth or Ambassador Moore.

Mr. FUNSETH. Well, if I may just go back. You will remember, Senator, in this room a year ago the Secretary announced that we would try a program of limited immigration and humanitarian parole from the border, and frankly it has moved much slower than we had thought and hoped when we announced it last year.

We did not get access to these people until the beginning of this year, and it has been a difficult, cumbersome process. And frankly, we found fewer persons eligible than we had originally thought. Now, more may come forward as the program develops, and we are also allowed primarily on the border to process only at site two. We have interviewed 25 of 30, and the INS has approved 14. Of them, I am told, 8 have already arrived in the United States.

We have also done processing at Khao-I-Dang and another small camp, and 32 have been approved there. So we are starting. Our Embassy in Bangkok estimates at the present time that we have 534 visa petitions on file, and these I hope now in the coming months will be moving more rapidly than they have in the past.

Senator SIMON. I have one final question. The law states that every alien—and I am quoting now—“who may not appear to the examining immigration officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry,” and so forth, to be conducted by an immigration judge.

I have an article here written by Charles Gordon and Maurice Roberts. Let me just quote a few sentences from the article:

Virtually all foreigners without valid passports who arrive in America seeking asylum are now automatically incarcerated. There are 9 immigration prisons in 7 States with a total capacity of more than 5,000 people. Hundreds of asylum seekers include Haitians, Salvadorians, Guatemalans, Nicaraguans, Iranians, Afghans are now being transferred from these makeshift prisons to a large new facility in the isolated town of Oakdale, LA where they will almost surely have no access to a lawyer. In the last 3 months, some 3,000 have been deported from Oakdale.

Now, how long are we, in fact, incarcerating people in this kind of situation? Commissioner, I guess I should be addressing this to you. Is this a valid representation of what we are doing?

Mr. NELSON. I think, Senator Simon, the quote that you read from the law is really the fundamental issue. And as you note, the verb “shall” is in there, the “shall detain.” We have had a lot of litigation on that issue, and the Government has prevailed throughout, in the Supreme Court, circuit courts, 90 percent of the courts dealing with that. And I think that the point is is that the law passed by Congress many years ago says that people shall be detained in those circumstances. And we carry that out, and that goes into this whole issue like Sri Lankan type of case, and I will submit this to the record because I think it deals with it.

We must be able to detain people who enter illegally. Otherwise, if you do not have that capability, they will just pour in, and it is a difficult situation obviously. It is hard to detain everybody. We cannot always detain everybody. But on these asylum type of cases like again the Sri Lankan example that they be detained until we could return them to the country from whence they came. In that case, Germany. We have Afghans coming from Pakistan and so forth, and we make every effort to return them to that country, not to the country from which they are fleeing persecution.

And in many cases, we are able to do that. We try to do it quickly. If in some cases we cannot for whatever reason, then after a reasonable time we are talking it depends on the case. Each case is reviewed individually, you know 3 or 4 months or so. If they are that long, we might parole them or bond them out. In some cases, they will be bonded out immediately.

But I think that statute which has been upheld by the courts and which we have enforced is an important principle, and we think we have enforced it fairly and well.

As far as the Oakdale, LA, facility, it is not isolated, No. 1. There are a half million people living within a 50-mile radius of Oakdale, LA. There are several hundred lawyers in that same radius. The facility looks more like a college campus than a prison. There are training programs. There are immigration judges there. There are counsel there. There are volunteer agencies there.

So some of the allegations that somehow they are being sent out into the boondocks and shipped off just are not accurate.

Senator SIMON. Thank you, Mr. Chairman. Thanks to all of you.

Senator SIMPSON. Thank you, Paul.

Senator SIMON. Oh, I might add that Senator Kennedy has some questions he would like to have submitted for responses.

Senator SIMPSON. Those will be inserted into the record, and we will ask for your response.

[Material submitted for the record follows:]



United States Department of State

Washington, D.C. 20520

Dear Mr. Chairman:

Following the September 16 consultations on refugee admissions at which Secretary Shultz appeared, additional questions were submitted by Senator Kennedy to be answered for the record.

Please find enclosed the answers to those questions.

With best wishes,

Sincerely,

A handwritten signature in cursive script that reads "J. Edward Fox".

J. Edward Fox
Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:
As stated.

The Honorable
Alan K. Simpson, Chairman,
Subcommittee on Immigration and Refugee Policy,
Committee on the Judiciary,
United States Senate.

1. ADMISSION OF CENTRAL AMERICAN REFUGEES

Question: As I indicated at the hearing, I strongly endorse and support the Administration's decision to assist refugees from Central America who may need third country resettlement opportunities - that we are finally joining Canada and Australia in facilitating this effort.

What steps does the Department intend to take to implement this decision, and what criteria will be used? Are consultations with the Office of the U. N. High Commissioner for Refugees scheduled in order to determine which refugees in the Central American region need third country resettlement?

Answer:

The Administration is in the process of developing revised guidelines for refugee processing in the Latin American region in FY 87. In particular, we are now reviewing the issues involved in implementing an expansion of the processing priorities for the region beyond priorities one and two.

We believe the expansion of priorities for Latin America is needed so that refugee applicants may be considered for whom the first two durable solutions are not available and for whom resettlement in the United States is appropriate. The Department has begun a process of consulting with the UNHCR regarding the resettlement needs of refugees in Latin America. We will keep you advised as we develop the details of this program.

2. PROCESSING INDOCHINESE REFUGEES

QUESTION: How many parole cases have been processed and moved to date?

ANSWER:

INS has agreed to consider in a favorable light requests for humanitarian parole for Khmer beneficiaries of non-current immigrant visa petitions and accompanying relatives not included in a petition. The Embassy reports there are now 384 Khmer on

file who are beneficiaries of non-current immigrant visa petitions. These beneficiaries are located at Khao-I-Dang and in camps at the border.

Since announcing its policy on humanitarian parole for border Khmer in May, INS/CO has received a total of 110 requests from the public and has authorized humanitarian parole for 53 people. These authorizations have been transmitted to INS/Bangkok. Thus far, two people have entered the United States.

Among extended family members of current immigrant visa beneficiaries, INS has approved 8 people. All of the 8 persons approved are relatives of 19 current IV beneficiaries who are family card holders from Khao-I-Dang.

There is no way to project the number of extended family members of these current IV beneficiaries who may also be considered for humanitarian parole until interviews take place.

QUESTION: Because of the absence of documentation of the border Khmer, how is it possible to locate immigrant beneficiaries on the border?

ANSWER:

The petitioner usually has an address of his relatives who are beneficiaries of the immigrant visa petition. We also locate people through the International Committee of the Red Cross, which has a presence in the border camps.

Out of a total of 549 immigrant visa cases on file for the border Khmer, our Embassy in Bangkok reports that 37 people are listed as location unknown and another 15 are believed to be in Cambodia.

The Embassy has contacted petitioners in the U.S. regarding documentation requirements for their relatives.

QUESTION: What is being done to address the time-consuming procedures of requesting permission to interview immigrant visa applicants and move approved cases for out-processing?

ANSWER:

Lack of access, first, to immigrant visa petition beneficiaries for consular interviews and, subsequently, for delays in moving approved cases remain the major obstacles to progress in this program.

The Embassy has been in frequent contact with all appropriate Thai officials in order to obtain access for interviews and permission to move the applicants once they are approved. (Due to the formation of a new Thai Government, some officials have recently changed.) The Ambassador himself has raised the issue with Thai officials, with little positive result. The Embassy will continue to pursue the matter until access is gained and those eligible are interviewed and moved.

QUESTION: Is there sufficient consular staff at the Bangkok Embassy to handle the caseload and conduct interviews on the border?

ANSWER:

-- Because this is a new program, it is difficult to predict the workload involved. The Embassy believes that present staffing levels are adequate to handle the current caseload and conduct the interviews at Ban Thai Samart through the first quarter of FY-1987.

-- Adequate staffing levels are, of course, essential to the success of the program. We will be monitoring the situation throughout the year.

QUESTION: Have procedures been developed to ensure that current IVs will be expedited for departure and that non-current beneficiaries will be considered for humanitarian parole?

ANSWER:

Yes. The Department, INS, and the Embassy have consulted and reviewed these issues and have established procedures.

We can expedite processing of current IV cases once we have obtained Thai permission to interview these cases and to move approved cases. We continue to work with Thai authorities on improving our access to these cases, although the picture is not encouraging.

The Embassy has already contacted petitioners in the U.S. regarding their relatives who are beneficiaries of non-current immigrant visa petitions. The INS has agreed to consider in a favorable light requests for humanitarian parole for these persons.

3. THE ORDERLY DEPARTURE PROGRAM

QUESTION: What new diplomatic initiatives are planned in an effort to reinstitute interviewing for the ODP program? At what level are diplomatic contacts planned; where and when?

ANSWER:

In our continuing efforts to bring about full resumption of the program, we have held three rounds of technical talks with the Vietnamese government. The most recent was in Hanoi at the end of August. In order to leave no stone unturned, we agreed to the SRV request not only to meet in Hanoi but to hold a separate bilateral meeting with the SRV on Amerasians. Both the UNHCR-chaired meeting on the regular program and the bilateral meeting on Amerasians proved useful -- the Vietnamese were specific in discussion of changes they wished to see in ODP processing as a prerequisite to resuming UNHCR interviews. At this point we cannot say whether another round of technical talks will be necessary before the full program can resume, but we

will, in any case, continue follow-up contacts with the SRV in order to resolve outstanding issues.

At a higher level, the annual UNHCR meetings on the ODP (which include a separate U.S.-SRV-UNHCR meeting) will take place in Geneva in early November. The U.S. will be represented, as before, by Robert L. Funseth, Acting Director of the Bureau for Refugee Programs.

4. CRISIS IN SOUTHERN SUDAN

QUESTION: Please provide an updated report on conditions in southern Sudan and the international relief effort, and the role and contributions of the United States.

Have we advocated an international "mercy corridor" or other diplomatic arrangements to allow food and relief supplies to get to those in need? What international initiatives have been taken to deal with the crisis?

ANSWER:

The USG views with alarm the hunger and possible starvation of several hundred thousand innocent civilians caught up in civil strife ravaging southern Sudan. This is a very dynamic situation. We are in contact at the highest levels with the various parties to the conflict to urge that humanitarian needs not go unmet.

We deplore the refusal of the insurgent forces (Sudan Peoples' Liberation Army - SPLA) under Colonel Garang to permit international relief agencies such as the International Committee of the Red Cross (ICRC) to provide life-sustaining food assistance to noncombatants. We are equally disappointed in the Government of Sudan's (GOS) refusal to date to allow an internationally-sponsored airlift of relief food ("Operation Rainbow") into the besieged town of Wau. Fully adequate supplies of relief commodities are prepositioned for delivery to those in need on all sides of the conflict.

We have urged the GOS to focus on the growing humanitarian crisis in the south. In response to our demarches and efforts by other donors, the GOS on September 15 announced the reopening of the Juba and Malakal airports in southern Sudan which the GOS had closed to civilian traffic after the shooting down August 16 of a civilian aircraft by the insurgents at Malakal. This permission for emergency air flights into those besieged towns places squarely on the SPLA the responsibility for the safety of mercy flights. To date, however, the GOS has insisted that Wau be supplied overland rather than by air. Although some relief supplies have arrived by overland convoy, we believe that a reliable supply of additional commodities is imperative and that such a supply will probably require an airlift. We continue to urge the GOS at the very highest level to take all required steps to help relieve the mounting suffering from food shortages.

The provision of food relief to southern Sudan has also been complicated by the closing of the Uganda/Sudan border by the Government of Uganda. This act by Kampala effectively prevented supply of the southern region's major city of Juba. The USG expressed its concern at the highest levels of the Ugandan Government over the humanitarian consequences of the border closure and urged the Government of Uganda to open its frontier for emergency food shipments to southern Sudan. As of September 24, after discussions between the Governments of Sudan and Uganda, the border is once more open.

We have urged the SPLA to respect the road from Uganda as an international "mercy corridor" and permit desperately needed relief supplies to reach Juba. We are also pressing the SPLA to permit food shipments into southeastern Sudan via the road from Kenya. Armed attacks on trucks have effectively closed this vital supply route.

In addition to our diplomatic initiatives, the USG has issued an emergency disaster declaration covering southern Sudan

as a precondition to allocating disaster relief funds. Up to \$2 million is ear-marked for emergency supplies, of which up to \$1 million may be available to the ICRC, \$200,000 is for the United Nations Emergency Operation in Sudan's "Operation Rainbow" airlift, and the remainder is to support delivery of supplies by private donors. The USG has already contributed \$21.85 million to the ICRC for its African relief activities, including the difficult emergency situation in southern Sudan. We are in close contact with the ICRC, UNICEF, and private voluntary organizations so as to respond to appeals when the security situation permits delivery of relief aid.

Our AID mission in Khartoum has set aside funds to purchase 10,000 metric tons of locally available grain, and 2,000 metric tons of DSM/CSM for emergency supplementary feeding of children. These relief supplies are being prepositioned at El Obeid in central Sudan so that they may be speedily delivered to the south as soon as guarantees are provided by the SPLA to respect mercy flights. Also, 3,000 MT of grain is being prepositioned in Kenya.

We are working closely with international organizations and other donors in Khartoum where our representatives have taken a lead in weekly contingency planning meetings to coordinate relief efforts for the southern Sudanese.

5. REFUGEES FROM CHILE

QUESTION: The Inter-American Development Bank will reportedly be taking up the questions of new structural assistance loans to the Government of Chile. In light of the new acts of repression, and the imprisonment of so many democratic opposition leaders, does the United States representative plan to vote against these loans?

ANSWER:

Legislation related to the International Financial Institutions (IFIs) requires the Executive to examine the human rights situation carefully, in addition to the economic

rationale, in determining our votes on loans in the multilateral institutions. Our policy is to review each loan separately and consider the situation in a particular country as it exists close to the time the loans are reviewed by the executive boards. In this regard, let me assure you that the Executive is, of course, committed to abiding by the provisions of Section 701 of the International Financial Institutions Act.

Assistant Secretary of State Abrams appeared before the House Banking Subcommittee on Development and International Financial Institutions on July 30, and testified that in view of his current assessment of the human rights situation in Chile, and taking into account Section 701, he personally would recommend that the U.S. vote against IFI loans to Chile, were a vote to be taken at that particular time. Mr. Abrams noted, however, that a final decision would not be made regarding our posture toward any upcoming Chilean loans, until closer to the time of a vote, which is expected in early November. Mr. Abrams also cautioned that other U.S. officials would be involved in making this decision, in particular, the Treasury Department, which gives voting instructions to the U.S. Executive Directors in the IFIs.

6. REFUGEES FROM AFGHANISTAN

Question: Please review the status of social service programs for Afghan refugees in Pakistan -- particularly educational and other programs for refugee children.

Answer:

There are 306 refugee camps in Pakistan. Understandably, the scope of social services provided in these camps varies. The UNHCR, World Food Program and the Government of Pakistan have, however, succeeded in equipping all the camps with a basic social service infrastructure. It provides for health

and sanitation services, a safe water supply, shelter, food assistance and, in most instances, some type of education program. In general, refugee camp conditions are on a par with living conditions among rural Pakistanis. The level of social services provided in the camps exceeds what was available to these people when they lived in Afghanistan.

The UNHCR and the international community continue to be concerned about the problems of health care delivery, particularly in Baluchistan. The public health conditions in the camps, however, have improved significantly in recent years. This has been borne out by a recent study done by the Centers for Disease Control, which, among other things, showed minimal malnutrition, and improved levels of infant mortality. Many refugee camp health units include programs to address the needs of particularly vulnerable refugee children including maintenance of growth charts and supplementary feeding programs. This year we provided \$75,000 to the World Food Program for it to develop a safe and effective dried milk distribution program targeted at vulnerable groups.

As one might expect with 306 camps, the delivery of educational services varies widely. UNHCR has about 100,000 students enrolled in 667 elementary and secondary schools. Seventy of these schools are for female students. In addition to our FY 1986 \$15 million pledge to UNHCR's general program in Pakistan, we have also pledged excess PL-480 rupees to specific sectors of the HCR program. In FY86 we contributed \$400,000 rupee equivalent for education programs.

Additional elementary and secondary schools are run by the various Afghan political parties, and others by international voluntary agencies. Some American voluntary agencies are also involved in school management, the development of curriculum

materials, and teacher training. During FY86 we provided \$345,000 to the International Rescue Committee for these types of activities.

Another important component of refugee education is vocational training. This year we pledged half a million dollars rupee equivalent to UNHCR for its vocational training program, and also supported a Save the Children program which trains refugee teenagers in life-long income-generating skills.

While improving educational services is a continuing goal, refugee education is a sensitive and sometimes controversial area where the refugees themselves have strong perceptions of what constitutes culturally appropriate education.

7. KHMER REFUGEES AND THE U.N. BORDER RELIEF OPERATION

QUESTION: Khmer border encampments continue to face security problems. Who is responsible for security at the border? What steps have been taken or are planned to deal with the security issue? What additional support does UNBRO require for security purposes?

ANSWER:

ICRC is the lead agency for security matters at the border. It is supported by UNBRO and UNHCR. The threat of Vietnamese military attack on the border encampments is the primary security concern. Other security problems involve indiscriminate violence by fellow displaced Khmer, Khmer resistance, or Thai against people attempting to enter or depart the camps without permission. Black market activities are generally the principal causal factor in these incidents.

At the urging of the United States and other members of the international community, Khmer civilian and military elements at the border have now been separated. We believe this has reduced

the risk of Vietnamese attack on civilian populations. There have been only a few brief incidents this year -- none of which was serious enough to require an evacuation.

UNBRO and the Thai government have developed evacuation plans for the various encampments, and sites have been prepared for possible evacuees in the event of Vietnamese attacks. The RTG has given its assurances that camp populations would be evacuated in the event of a life-threatening emergency.

In our own representations to the Thai we have urged that they take steps to improve the security situation. We continue to press the Thai to transfer the remaining 3,600 Land Vietnamese at Site II South to Phanat Nikhom. These efforts continue, but no date has yet been set for the move. (INS has approved for entry some 1,400 Land Vietnamese. Most of them are in language training at the RPC in Bataan or have already entered the United States.) Another step we encourage the Thai to take is the establishment of legal commerce at border sites to replace black markets.

UNBRO has made several organizational changes in the encampments, including the formation of neighborhood watches and patrols, which have helped in some areas. UNBRO sees a need for improved telecommunications in the camps to enhance reporting of and response to problems as they occur. UNBRO also requires a security consultant to develop recommendations on means to coordinate and improve security measures at the border. The U.S. has agreed to fund both of these requests.

Senator SIMPSON. Let me go back to true refugees—I hope true refugees. The administration is recommending now this admissions ceiling from East Asia/first asylum of 32,000. The Ray Commission reported that an increasing component of the flow into these countries of first asylum was economic or family reunification in nature.

Then, where will these 32,000 new first-asylum refugees come from? Specifically, what camps or settlements of refugees in Thailand will these refugees come from? How many will likely come from each camp or settlement? And what will the numerical breakdown be with regard to the country of origin?

Mr. FUNSETH. I am not in a position to forecast with the precision that you have asked me, Mr. Chairman. The ceiling of 32,000 for East Asia—the reason we arrived at this ceiling was to allow us to admit Indochinese refugees who meet the present criteria of the program and are of special concern to us. It also included a number that we have not calculated but included in our thinking in arriving at 32,000—we wanted to be in a position to participate in the hoped for international effort to work off the long-stayer population.

I described those efforts earlier to you, and I mentioned that we will be meeting within 2 weeks with the Australians, Canadians and others. I think as the Secretary mentioned, that a factor in that first-asylum figure in Southeast Asia always is essential that we continue to assure the first-asylum countries that we will sustain our resettlement efforts. That is a critical factor. At the beginning of this fiscal year I believe that we will have about 13,000 Indochinese refugees in the pipeline. That is to say, people who have been approved for resettlement, but will be in one of our processing centers.

As you mentioned earlier, there remain significant populations in the first asylum camps. There are still 150,000 in Thailand, more than 8,000 in Hong Kong, 5,000 in Indonesia and 8,500 in Malaysia. And with that kind of first-asylum population, we believe that the ceiling we are proposing will not only protect first asylum but enable us to respond to an international effort should we be successful in achieving that.

I might mention that however disturbing and discouraging it is that the refugee flow continues, the admissions ceilings are higher today than we might have thought they would have been 5 years ago. But still 6 years ago, we had admissions of over 150,000. I think it was perhaps closer to 168,000, and yet we are proposing a ceiling this year of 32,000. So the numbers have come down in the last 5 or 6 years and very dramatically, Mr. Chairman.

Senator SIMPSON. You talk about "sharing out" the long-stayer refugees at some point in the future, and yet the other resettlement countries are cutting back, cutting their refugee admissions, concentrating more on immigration-based criteria. I am curious, then, about how much international help we can rationally expect. What would the U.S. share likely be in such an arrangement, and what do you know of France's and Canada's and Australia's proposed admission levels for the coming year?

Mr. FUNSETH. On the latter question, I don't believe they have officially announced these levels. Informally they have advised us

that they will be approximately at the same level. I should say that our closest collaborators on trying to devise a policy in Southeast Asia are Australia and Canada, and we value that collaboration and consultation we have with them very much.

We do not want to get the cart before the horse, but we are really working on this issue, and it includes several components. One of them is the long-stayer population. And what we have in mind, and we have not worked out the details of that, is a multilateral, multiyear program. It is not something that would happen in 1 year or even 2 years. But it would be something that we would address in conjunction with a wider international effort, and combined, we would hope, with the program that was signaled and forecast in the Ray Panel. That is a two-track approach in which more and more people who could qualify under family reunification would come through the immigration route and the refugee people would come under the refugee numbers. Also, I must stress that until and unless we really have a viable Orderly Departure Program, I think the prospect of working out this kind of an effort would be very difficult indeed.

Senator SIMPSON. Let me ask Alan Nelson a question or two, and then we will come back, and we will proceed and bounce around a bit. Commissioner Nelson, you noted in your testimony the problem of refugee applicants who circumvent the process abroad and illegally enter the United States to request political asylum.

Could you please describe the methods that these queue jumpers use to arrive in the United States? How the INS treats them? And the implications of that for U.S. refugee policy?

Mr. NELSON. Yes, Mr. Chairman. Maybe if staff would come up, I would give a copy for the record as well as to you of this document I referred to which is entitled, "The United States Must Not Be Victimized by Bogus Refugees or Lax Enforcement of Our Immigration Laws." I think it deals with this very issue.

I think the example, again, of the Sri Lankans coming into Canada pinpointed where people once resettled in another country nevertheless want to go somewhere else, and will just find some method to do it.

The question could that happen in the United States and what would the reaction of the American public be, and I think it would be we do not like to be duped. We do not like to have people jumping the queue. We have a very fair and good system that must be followed.

So to answer your last question first: The problems they cause for U.S. refugee policy, clearly, Mr. Chairman, if we do not take strong actions to prevent this type of situation we would be deluged, and it would undercut our refugee laws.

It would be a very serious problem, could seriously undercut our whole immigration laws. We must be firm and fair as I think we have been. The Haitian example 5 years ago is a perfect example. We detained the people under the law that I referred to in the discussion with Senator Simon. We put an interdiction policy in effect that is still working.

And that has worked well. The courts have upheld it. We have used that same policy in other situations, and it is working well. If we do not use it, we would have serious problems. How we treat

them is indicated. Under the law, we will detain those individuals. Looking at each individual case, it is a significant deterrent. And we think it has worked very well.

The methods they use are multifaceted. Very often the typical technique is people will leave one country. They resettle, let us say, in Europe somewhere. They will get airline tickets, board the plane, and then they will destroy all their documents so they are not shown to have documents that are legal, and then claim asylum. That is the typical. We have seen the Sri Lankan case on the boats, and this could have serious problems in the future where thousands of people literally could come in different ways.

So we have a number of examples, and, again, I think if staff would come forward, I will hand this to the committee.

Senator SIMPSON. I was interested when Senator Simon asked about Oakdale, and knowing how thoughtful he is in all issues such as this McCarran Walter exclusionary activities, I harken to him. I am interested to hear your comments about Oakdale and how it looks, what its facilities are. I doubt that there are many communities in America that were ready to host that little installation; were there?

Mr. NELSON. That is correct, sir.

Senator SIMPSON. Were they clamoring for it?

Mr. NELSON. No; they were not.

Senator SIMPSON. I did not think so, and that is a problem. But I do remember that Congressman Mazzoli and I went to Krome North at the height of that passion, and I noted that there were signs in several languages about seeking counsel and having an attorney, and that both would be free of charge. Are those things posted in Oakdale, too?

Mr. NELSON. They are, Senator. Again, we have courtrooms. We have space for lawyers. There are lawyers, immigration judges, and immigration lawyers there, voluntary agencies, space for them. The facilities, again, being new are well-constructed, and we would welcome any member of the committee, any staff, at any time to come down and see the facility.

Senator SIMPSON. I appreciate that invitation, and you might invite a few reporters down there, too. You would probably do better.

Mr. NELSON. We will do that also. Right.

Senator SIMPSON. Or they might do better because I have seen some rather dramatic articles about that as being a great haven for oppression and violation of due process. The odd thing to me in all of this is that we are talking about people who are here illegally in many cases. Asylum applicants are different. We listen to them. But it is always a curious distortion of definition when we get to various of those categories.

Well, I noted in your testimony that the attorney general will begin to use his parole authority, parole power, to admit the border Khmer who have approved immigrant visa applications that are not yet current. Could you tell the committee specifically what conditions would justify the use of humanitarian parole, how many people you might expect to parole over the next 2 years, and whether all border Khmer visa holders will receive this treatment in the future?

Mr. NELSON. Mr. Chairman, to answer your last question first, the answer would be no as to all people, border Khmer visa holders, receiving this. This is meant as a bridge, an interim step, certainly not as a substitute for other provisions. We currently believe there might be somewhat in the area of 500 eligible. Since we announced the program in May, we have approved 41 requests. And this is really to expedite the departure of those who may qualify and to go forward. It is not as a substitute for other procedures.

Senator SIMPSON. I do remember, when I came here as a minority member of this subcommittee, that the parole authority was kind of what was getting us into the fix we were in: parole authority unlimited, if I recall; 20,000, 30,000 people per year, with no limit. I hate to see us go back to some, you know, new pitch on that.

Mr. NELSON. We share your feelings. Certainly it has been the way we have administered the program the last 5 years and expect to continue it to not use parole as a substitute for either immigration or refugee procedures. Once in awhile, and we have been very selective, individual cases. We think that fits into this exception kind of category.

Senator SIMPSON. Let me ask Mr. Gee. You state in your testimony that budget requests before Congress of \$373 million are sufficient to resettle 70,000 refugees proposed to be admitted if the proposal for the all-Refugee Cash Assistance Program [RCA] for 18 months is also approved. I do not know that that latter proposal is likely to be approved by Congress, with what we know in that area and what I see. This is just my own view. Given that reality, will this administration be really prepared to spend additional funds on refugee resettlement, or will the admissions levels have to be reduced?

Mr. GEE. When Congress acts on the proposed budget, we can determine how adequate our funds are. And this will be in light of whether or not the proposal for the 18 month, all-RCA Program is approved.

According to the Refugee Act of 1980, we can reimburse the States up to 36 months. What we did this year when we had the Gramm-Rudman-Hollings legislation which cutback on our budget, was to reduce to 31 months to meet our budget allocations.

So in 1987, if the budget request is not approved, we will look at it, and if we have to cut someplace, we will probably have to cut back on the length of time that we pay to reimburse the States for the funding of the refugee assistance.

I do not see why this necessarily affects the admissions level into the country.

Senator SIMPSON. That is always a vigorous exercise for you, I might add, when you do that. That is not fun. I think we did cut back on several months on one. But let me ask you, the Federal Government reimburses all State refugee cash and medical expenses for the first 3 years a refugee is in the United States. Those we refer to as time-eligible refugees.

Then, after that, cash and medical expenses are shared approximately 50/50, and those are for time-ineligible refugees. According to figures compiled by the State of California, at least, total spending on these time-eligible refugees was \$215 million. Total spending

on the time-ineligible refugees was \$423 million. Is that situation representative of the nation as a whole?

Mr. GEE. No; it is not. California has the largest number of refugees of any State and the highest welfare caseload. I think the best way to really point this out is with numbers. In California, there are 65,000 refugees who are time-eligible—that is, within their first 36 months. There are 285,000 that are over 36 months. Really in California it is the large number of refugees there, and I do not think it would be fair to say this situation is nationwide. It is just in that one area.

Senator SIMPSON. Well, actually when we deal with California, there is a terrible distortion there anyway. The dependency rate in California of refugees is nearly 90 percent; is it not?

Mr. GEE. Yes, sir.

Senator SIMPSON. Those figures would indicate why; would it not?

Mr. GEE. I beg your pardon?

Senator SIMPSON. Those figures would seem to indicate why, in my mind.

Mr. GEE. Part of it. Yes; that is right.

Senator SIMPSON. I mean if you are going 423 million when the Feds and the State are splitting it; 215 million when the Feds are doing it themselves, figures of 300,000 plus refugees—according to your 240,000 plus 60,000, that is certainly an aberration that ought to be corrected in my mind. It would seem if the State does not want to do it, the Federal Government ought to encourage them to do it so that the dependency rate is not 90 percent. It distorts the whole refugee support system in the rest of the United States, which I think has a national dependency rate of 55 percent or something like that; is that not correct?

I think that is really extraordinary, but enough of that. But “time-eligible” and “time-ineligible,” the American people do not understand that. They do not understand the placement grants, the R&P grants, \$565 paid to an agency to resettle a refugee. I think that startles people in the United States. It is a large budget, and there is more attention now, thanks to thoughtful voluntary agencies as to what they need to do, and there are plenty of them.

There are still some that do not follow up properly, and that was the reason for the Wilson-Fish proposal among others. I hope that we will continue to see that that is done properly.

One final question for Mr. Gee. There has been disagreement over the proper use and funding of targeted-assistance moneys. Could you please describe for me, for the committee, and the record, the money presently available for targeted-assistance—the States receiving it, and the service activities to which it goes, and the amount of time you believe this money will remain available before being completely expended?

Mr. GEE. Yes, sir. Targeted assistance was instituted to make additional money available to counties in the United States which were impacted with a large number of refugees particularly during the years of 1979 to 1981. As you know, in those years, the number of refugee arrivals were double and triple the arrivals that we have now. So it was felt that we needed to help these large impacted areas out.

And targeted assistance has provided money to address this situation. Since 1982, we have provided \$291.9 million for targeted assistance. It is in exactly 44 counties in 20 States. This is the fourth year of providing targeted assistance. As of right now, we are getting ready to award the fiscal year 1986 targeted assistance grant. Out of the total of \$291.9 million, \$208 million has gone to Florida and California to help in various counties. So 72 percent of all the targeted assistance money has been allotted to those two States—to Florida due to the Mariel boat lift in 1980 and to California due to the large number of counties that are impacted.

With the money that will be committed through 1986, nearly all of the targeted assistance counties will have enough money to continue their programs through March of 1988.

Senator SIMPSON. I see this attempt to lock this in. It started as a targeted fund for heavy, heavy impact. And now the attempt is just to lock it in and make it another form of entitlement. I think it should remain for "heavy impact" areas, and that is something I have been insisting upon—so have some of my colleagues in the House. But I think targeted-assistance is just that. It is not something that is just another avenue for money to certain groups.

Now, many resettlement agencies have expressed serious concern about the proposed discontinuance of the matching grant program. They claim that has been one of our most successful programs in avoiding welfare dependency, and could you share with me the administration's proposal on matching grants in that area?

Mr. GEE. We are trying to look at this whole thing of matching grants. I am not really that up to date with how it functions.

Senator SIMPSON. You may just furnish that for the record.

Mr. GEE. We will be glad to do that. Yes, sir.

Senator SIMPSON. If we find something successful, I would certainly like to pursue that because there have certainly been some unsuccesses in that support system.

Mr. GEE. Me, too.

Senator SIMPSON. Thank you, Mr. Gee.

[Material submitted by Mr. Gee follows:]

MATCHING GRANT PROGRAM

The Department of Health and Human Services provided the following information with respect to the matching grant program:

The matching grant program provides an alternative Federal program of assistance and/or services to arriving refugees through matching Federal grants to voluntary agencies.

This program was established in fiscal year 1979 in response to the flow to the United States of large numbers of refugees principally from the Soviet Union. Previously, domestic assistance to these refugees had been provided entirely by the private sector. Under the matching grant program, the Office of Refugee Resettlement [ORR] has awarded grants of up to \$1,000 per refugee, with an equal contribution required from the private sector. (Under the fiscal year 1986 Gramm-Rudman-Hollings reduction, the maximum was reduced to \$957.)

For fiscal year 1987, the Department proposes to decrease the Federal matching payment to \$250 per refugee as a step toward phasing out the matching grant program over a 2-year period.

Since only a small flow of refugees has been arriving from the Soviet Union, the Department believes that the private sector can again assume greater responsibility for these refugees and that the phaseout of the matching grant program will stimulate and encourage greater private sector financing.

Senator SIMPSON. We will go back to Bob Funseth and Jonathan Moore, just briefly, and then we will get ready to conclude here. There have been some reports that some of the Lao asylum seekers, particularly the Hmong, have been somehow pushed back by the Thais, by the authorities there, without being given access to the screening process currently being conducted in Thailand with UNHCR participation.

One incident, reportedly occurring in May, is said to have resulted in the execution of some of those who were pushed back. I am not aware of that, but that is a report. What steps are taken to ensure that we are advised of the situation and to ensure that if that, indeed, is happening, that that particular activity be terminated?

Mr. MOORE. Mr. Chairman, let me just say very briefly that I am grateful that you raised this question here during these consultations. It is a problem which worries us a great deal, and Mr. Funseth would be the appropriate person to talk about it in detail because he has been directly in touch with our Embassy in Bangkok on the issue just within the past day or two.

Mr. FUNSETH. Mr. Chairman, there have been a number of reports alleging the pushbacks you referred to. Also a report in the newspapers recently, indeed, alleged that Thai officials in northern Thailand were negotiating with the Lao government to trade Lao refugees for Thai prisoners.

We sent a message to our Ambassador in Bangkok, and I received a reply from him just before coming here this morning in which the Thai categorically denied any truth to that story. In response to your general question, we have received these same reports that Ambassador Moore and you referred to. They are very disturbing to us. These reports of incidents taking place in that particular part of Thailand—it is a very remote area—are very difficult to confirm. Nonetheless, we have been in continuous contact with the Thai officials in Bangkok concerning these allegations.

Our Ambassador and other officers at our Embassy have reaffirmed and expressed our concern about the treatment of Lao on the border seeking refuge in Thailand. And I understand that UNHCR has made similar representations. The Thai government authorities have told us, they have insisted, and they have reaffirmed that their screening policy is available for all refugees arriving from Laos without discrimination.

But the reports continue, and I can assure you and the committee, Mr. Chairman, that we will remain in close contact with the Thai on this question. And we will followup any reports that we receive on such serious incidents.

Senator SIMPSON. Thank you. You know that I have strongly suggested that we move to an immigration-based program for family reunification cases in these first asylum countries, and both this Administration and the Ray Commission have endorsed that approach. But such a small number of cases have moved off the border since that suggestion was made over a year and a 1½ years ago, and progress has been similarly slow with regard to the Lao population. What is causing those extended delays? We have had some reference to it, but I would like to have the record as clear as possible.

Mr. MOORE. Well, perhaps we can all contribute to that. But one of the problems is, and Mr. Funseth and I believe the Secretary of State have already indicated this, that we have recently discovered that there are not as many people who are eligible under the immigration stream as we might have thought.

And one of the reasons for that, or one of the problems which is directly related to your question, is that we are dealing with a population when we are talking about Khmer border population in Thailand that involves a lot of people who do not want to leave to go to a third country, to the United States or elsewhere, United States in this case, and give up their chances of returning to Cambodia later on.

They are not people who for the most part are looking for a way to abandon the prospects of returning to their own country when the situation allows it, hoping that the situation will allow it.

When we were dealing with this on the Ray Commission, we always kept in mind two factors with regard to the so-called shift of emphasis from the refugee stream to the immigration stream, which was going to be, at least at the beginning, marginal and not dealing in large numbers, Mr. Chairman. One was what I have already mentioned, that we are dealing with people who are not wanting because of family reunification to come back. And two there are other questions which have been referred to which involve access and documentation, and involve the very limited use of humanitarian parole which Commissioner Nelson has mentioned even though perhaps a more creative emphasis is being given it now than in the recent past.

We also need to examine a shift from one system to another which does not abandon or ignore the people who legitimately qualify as refugees whether they are coming new or whether they already exist in the camps as part of the long-stayer population.

Now perhaps Mr. Funseth may be able to add some specifics to that. But I think those are the overriding factors which are involved.

Senator SIMPSON. Thank you. Mr. Funseth.

Mr. FUNSETH. I attempted to respond, I think, earlier to this question from Senator Simon. I just want to emphasize that when we announced it, it was difficult for us to predict with any certainty as to how large a program it would be. We had at that time really no access to good data on the border. So we were not able to make very good estimates. And Ambassador Moore referred to the difficulty of documentation. We have to remember that these people arrived on the border usually without any papers at all. So the process of processing their cases is very difficult also.

Another problem is that this is an immigration program, and only a very small percentage of Indochinese refugees have been naturalized at this point. We are pursuing this program through public information. I, myself, was recently in St. Louis and had occasion to meet with mutual assistance associations and other people concerned with people who have settled in the United States as refugees and to urge them to regularize their status.

I know the Immigration Service is also urging its offices throughout the country to be especially responsive to people who are trying

to become citizens or regularize their status so that they can file petitions for their relatives along the border.

Senator SIMPSON. I do understand that, but I guess my curiosity is piqued by the fact that there are some 200 current visa cases. Why are not those 200 here, and what are we doing about the 300 to 400 who are entitled to noncurrent visas? What can we expect in the next few years? Do you need more troops? Is there a shortage of INS and consular officers? Do you need some assistance there?

Mr. FUNSETH. Up to this point, I do not believe there are any staff shortages, but if there are we will be prepared to address them. I discussed this program with our consul general in Bangkok when she was in Washington recently. As I indicated earlier, we now have 534 petitions on file, and I believe that we are now conducting those interviews and making decisions on those cases. But, still, the people are located in site 2. We have to get permission for each individual applicant from the Thai authorities.

It is difficult to complete the files, and it may just be a characteristic of the population, Mr. Chairman.

Senator SIMPSON. Just a couple more. The various refugee mutual assistance associations, and I think they are very vital, are known as the MAA's. I have come to have great respect for them. And one of the most important elements, if we are going to do this two-track immigration/refugee program without just discussing it, is ensuring that their people in the United States are properly informed.

It does not do much good to tell somebody over there the difference between a refugee and an economic migrant. They do not, I do not think, grasp that. That is my view. But over here they grasp it because they know that when you get a permanent resident alien status, or you go from a refugee status to naturalization status, that you then, after that climb into citizenship, can petition for your relatives overseas, and with the fifth preference still there, we have some heavy hitters in that league. One fellow in New York has brought in 64 derivative relatives in his activity, and I think that is a challenging contest for anyone to meet. I am not knocking it. I am just saying people forget what really happens in this country. To bring in 64 derivative relatives on one U.S. citizenship, and then pretend that somehow we are pinched and shriven in some way is bizarre.

Anyway, I think the MAA's can assist in telling the people here in the United States what is there for them once they get the citizenship and the petitioning process. Now some of those groups have contacted me and requested that they be given greater responsibility in this area. Do you believe the MAA's could perform a more significant role here?

Mr. MOORE. Yes, Mr. Chairman, we do. I think that we have got to maintain a significant responsibility ourselves for doing the education and doing the publicizing that is necessary to achieve this shift. But the MAA's can play a crucial role and should be encouraged to do so because otherwise if you do not do that educating, if you do not pursue the education component of the strategy, that shift is not going to take place anywhere near the degree to which its potential lies.

Senator SIMPSON. Well, that is something that, if you are indicating that you want to use them more, I think would be very appropriate. I would like to have you tell me what you will do there. Can you give me a report on that?

Mr. FUNSETH. We would be pleased to, Mr. Chairman. You will recall we mentioned and discussed this in last year's consultation. We are in complete agreement with you. They are in a unique position, and we are working with the associations to distribute information on such changes, and I can assure you we will continue our cooperative relationships and expand them with these groups.

Senator SIMPSON. Just two final ones. What results were achieved in that Chicago resettlement demonstration project which was conducted from November 1984 to March 1986? I think the goal was employing 75 percent of the employable refugees. Was that goal achieved? Was the project successful enough to warrant any future demonstrations of that particular program?

Mr. FUNSETH. Mr. Chairman, we have contracted for an evaluation of that project. We do not have the evaluation yet, and we will, of course, submit it to you. My recollection is that they did have success in achieving, or placing, approximately 50 percent of the employable refugees in appropriate jobs within a 6-month period. That was what we were trying to achieve.

But we have, as I said, contracted the services of an independent evaluator, and we expect to have the full results of that project by January 1, 1987.

Senator SIMPSON. I think that here is again, as we begin to heap activity and work on Jonathan Moore, an area of coordination. GAO tells us that the Chicago and the Portland programs attempt to combine the initial R&P program, Reception and Placement Program, with the balance of the 3-year Federal Resettlement Program, directed by ORR, and I think those are alternative approaches to be considered that will increase the need for coordination between the resettlement programs operated by the State Department and the Office of Refugee Resettlement.

We just have all sorts of great things in mind for you, Jonathan, and we know you will accomplish this within several months and give us a report. One final question, and it is a promise. Many persons have expressed to this subcommittee their particular concern about the security of the border Khmer in these evacuation sites, and the land Vietnamese in their compound at site 2.

Those people in those sites have not been classified as refugees by the UNHCR, the U.N. High Commission on Refugees, nor the resettlement countries. The UNHCR is not authorized to provide protection for those groups. Who is then responsible for protection and internal security in those camps? The Thai rangers, Supreme Command, UNBRO, Red Cross? What is the level of violence within those evacuation sites, and what is the situation?

Mr. FUNSETH. Mr. Chairman, Ambassador Moore and I just last Friday had meetings with the U.N. Secretary General's Special Representative for Cambodia, Dr. Kunugi, as well as the UNBRO Director, Mr. Kim, on this very subject. And it is true that violence within these border camps remains a serious problem although the number of incidents and the level of violence has been reduced, but efforts continue to be made and need to be made to improve this

situation with more and better trained Thai guard forces, with improved communications equipment, and perhaps the establishment of Khmer neighborhood watches.

The situation itself is that the International Committee of the Red Cross has been designated the lead agency for the protection of the people on the border, and they are assisted by both UNBRO and UNHCR.

It is a difficult situation. The international organizations are not there after dark. The security is the responsibility of Thai rangers. The steps that I outlined are being examined, and I think, responsibly, in an attempt to improve the security in that very large population.

One of the things that was done to improve security was to try to separate the civilians from the combatants in those camps, for example, and that has led to some improvement.

Mr. MOORE. Mr. Chairman, I would like to just say one final thing before we close.

Senator SIMPSON. Yes, Jonathan.

Mr. MOORE. Whenever that is appropriate. Not to interrupt further questioning on your part.

Senator SIMPSON. No, I am ready to just summarize in just a moment and stop. I said that I was going to make a final question. I said that four times. My wife brings that to my full attention because I do that a lot. See I did it four times. So I do not have any more questions. So go ahead.

Mr. MOORE. Thank you.

Senator SIMPSON. I do have some written questions I will submit in the record.

[Material submitted for the record follows:]

QUESTIONS FOR HEARING RECORD FROM: SENATOR SIMPSON
TO: OFFICE OF REFUGEE RESETTLEMENT

- 1) Please provide the Committee with the average annual cost for resettling a single refugee during that refugee's period of time eligibility.

ORR response:

For a refugee who has been in the United States less than three years, there is a 55% chance that he or she will be receiving cash assistance.

If the refugee receives assistance through the AFDC and Medicaid programs, the cost in ORR funds averages \$1,450-\$1,550 annually, of which about \$850-\$900 is for cash assistance and \$600-\$650 is for medical assistance. Since ORR reimburses States only for what would normally be the State share of AFDC and Medicaid costs, the total Federal cost, including the regular Federal share of AFDC and Medicaid funds, is about twice the above figures -- i.e., \$2,900-\$3,100 for AFDC and Medicaid combined.

If the refugee is here less than 18 months and qualifies only for the special programs of refugee cash assistance (RCA) and refugee medical assistance (RMA), the average annual cost is about \$3,500, of which about \$2,000 is for RCA and about \$1,500 is for RMA. These costs are funded entirely by ORR. After 18 months and up to 31 months, if a refugee is eligible under a State or local general assistance (GA) program, these costs are reimbursed by ORR. The average annual GA cost is estimated at \$2,000-\$3,500, including \$1,000-\$1,500 for GA cash assistance and \$1,000 for GA medical assistance.

In summary, if a refugee becomes a welfare recipient during the first three years in the U.S., the average annual cost for cash and medical assistance, including both ORR and other HHS costs, is in the range of \$2,000-\$3,500 depending on the specific assistance program for which the refugee qualifies.

It would be necessary to add to the above cost an amount to account for social services. However, average social service costs per refugee cannot be readily quantified since the need for, and

receipt of, services varies greatly among refugees and since services may be provided without regard to a time-eligibility period. If one assumed that the \$71.7 million available for refugee social services in FY 1985 had been provided entirely to refugees who had been in the U.S. less than three years, the average cost per refugee would have been approximately \$315.

- 2) Please provide the Committee with the average expenditure, per refugee, under the targeted assistance program, that is necessary to employ a previously welfare dependent refugee. What is the average cost, per refugee, using the above criteria, in the State of California?

ORR response:

Data are available for the targeted assistance programs funded through grants of FY 1983 funds and carried out primarily in FY 1984 and 1985. These data show the following average costs for placements in full-time jobs. Placements in part-time jobs are not included. The calculated unit costs include all State and local administrative costs and the costs of any support services provided under the targeted assistance program:

The national average was \$2,835 per full-time job placement. The comparable figure for California was \$4,690, and the figure for all areas other than California was \$2,283.

In terms of jobs retained at least 90 days, the average costs were: \$5,550 nationally; \$7,606 in California; and \$4,763 for all areas other than California.

- 3) There is concern among some in the resettlement community that the moving of ORR into the Family Support Administration will increase pressures on the refugee assistance program to operate more like "mainstream welfare" programs. How does your office intend to avoid any possible pressure to conform to the standards of the general welfare programs?

ORR response:

There is currently a strong and growing emphasis in the regular welfare programs on job training and job placement, which are also major objectives of ORR. We believe that the overall support of the

Family Support Administration (FSA) for these efforts will be beneficial rather than detrimental to the objectives of the refugee program.

The inclusion of ORR as part of FSA has not affected the way in which assistance is provided to needy refugees: Under current law and policy, those refugees who are eligible for aid to families with dependent children (AFDC) and supplemental security income (SSI) are already included under those programs, while those needy refugees who do not meet the family-composition requirements of AFDC or the age or disability requirements of SSI are assisted, during their first 18 months in the U.S., under the program of refugee cash assistance (RCA). Refugees who receive AFDC and SSI must already conform to the requirements of those programs. The establishment of FSA has not changed this, and ORR, together with the Department and FSA, continues to urge favorable Congressional action on our legislative proposal to provide for an all-RCA program for all needy refugees during their first 18 months in order to avoid some of the rules and procedures of the AFDC and work incentive (WIN) programs which we have not found to be effective for refugees.

RESPONSES FROM THE OFFICE OF REFUGEE RESETTLEMENT TO
ADDITIONAL QUESTIONS SUBMITTED BY SENATOR SIMPSON

QUESTION: Please provide the Committee with the names of the refugee camps or settlements from which FY1987 East Asia/First Asylum refugees will come, the approximate number that will come from each, and an estimate of the numerical breakdown by country of origin.

ANSWER:

- Combining currently eligible refugees in first asylum, new eligible arrivals, and possibly a beginning work off of the long-stayer population, the U.S. has a large pool from which to bring in up to 32,000 refugees from first asylum - 5,000 fewer than the we admitted in FY 86. The estimate of the potential pool is not a forecast of refugee admissions, but only an order of magnitude. Moreover, these estimates will, undoubtedly, change as the year progresses.
- The number of potential applicants among refugees already in first asylum countries, not to mention future arrivals, is very difficult to estimate with accuracy. It is impossible to know for certain whether a refugee is eligible until he is interviewed by the INS. That said, the specifics of the estimated pool of 39,000 follow:
- Pipeline: 11,000 refugees now in the pipeline.
- Thailand - Current and Projected: Total of 21,500. We estimate that in FY87 there may be as many as 19,300 refugees now in camps in Thailand who could be eligible and are interested in the U.S. program. In addition, approximately 2,200 refugees who arrive in Thailand in FY 1987 could be eligible for processing and admission to the U.S. in the same year. Rough estimates at principal camp locations of these potential applicants follow:

<u>Ethnic Group</u>	<u>Camp</u>	<u>Estimated Number of Potential Applicants</u>	<u>Estimated Eligible Arrivals</u>
Lowland Lao	(Na Pho)	8,000	800
Highland Lao	(Chiang Kham & Ban Vinai)	9,000	400
Boat Vietnamese	(Phanat Nikhom)	800	400
Land Vietnamese	(Site II)	1,500	600

-- Other First Asylum Current and Projected: 6,500 boat Vietnamese. In other Southeast Asian countries we estimate a population of approximately 6,500 Vietnamese boat people, including FY 1987 arrivals, who could be eligible for the U.S. program in the same year:

<u>Country</u>	<u>Estimated Refugee Population</u>
Hong Kong	500
Indonesia	2,250
Malaysia	2,700
Philippines	750
Singapore	300

Question: Please provide the committee with the number of refugee admissions within the 32,000 ceiling that is being reserved for a possible long-stayer solution.

Answer:

We have approximately 11,000 first asylum refugees in the pipeline and a large pool of currently eligible refugees and new arrivals from which to process up to 32,000 Indochinese refugees. We are hopeful that we will reach agreement with other resettlement countries through an international effort to reduce the "long stayer" population, but exploration of this concept is only in its early stages and no specific amount of refugee admissions numbers has been set aside at this time. When such an international framework is agreed upon, we will commence processing in a phased fashion to minimize the magnet effect.

QUESTION: While I acknowledge that a solution to the "long stayer" problem must be found, and that this solution will undoubtedly involve the third country resettlement of at least

a portion of the long stayers, it has been my position that it would be inappropriate to provide resettlement in third countries for long-stayers before a solution is found to the continuing large flow of refugees, both economic and political, in Southeast Asia. I define "long-stayers" as persons who do not qualify as refugees for whom we have a special humanitarian concern.

Has the administration determined that it is advisable at this time to resettle long stayers? Until there is a substantial reduction in the number of new Southeast Asian migrants, will not a continuing flow of refugees in that region simply result in a new long stayer population in first asylum countries?

ANSWER:

There is no immediate solution to the continued arrival of refugees in first asylum without abandoning humanitarian principles. We have no unilateral means to shut off the flow. We believe that third-country resettlement consideration of the long stayer population can only proceed in a coordinated and phased manner. To this end, the United States is holding discussions with both first asylum and resettlement countries to seek renewed international approaches to effective solutions for the long stayers. We are currently working to develop an appropriate international framework for the future of the Indochinese refugee problem as a whole. The problem of the long-stayers would be a part of this larger framework.

We, too, are concerned about instituting policies that will have a "magnet effect," creating future long stayer populations. We are committed to avoid creating inducements to emigration.

There are included in our definition of long stayers refugees with a well-founded fear of persecution and for whom we do have a humanitarian concern, but who fall in a category which we are not processing at this time (Priority 6). In the event we came to an international agreement on a "sharing-out," we would have to examine the entire affected population very carefully, subject to our policy on avoiding a magnet effect.

Question: You mention in the consultation document that a certain number of non-Cuban refugees from Latin America will receive consideration this coming year through revisions of current refugee processing guidelines applied in that region. Does this mean that more than the first two refugee priorities will be utilized in Latin America?

Answer:

The Administration is in the process of developing revised guidelines for refugee processing in the Latin American region in FY 87. In particular, we are now reviewing the issues involved in implementing an expansion of the processing priorities for this region beyond priorities one and two. We will keep you advised as we develop the details of this program.

We believe such an expansion is needed so that refugee applicants may be considered for whom the first two durable solutions are not available and for whom resettlement in the United States is appropriate.

NEAR EAST ASSISTANCE/AFGHAN RELIEF

CONDITION OF REFUGEE CAMPS IN PAKISTAN

QUESTION: What is the condition of the refugee camps in Pakistan? Is there an infrastructure to educate the refugee children, and if not, are there steps the US could take to assist in providing education to these refugees?

ANSWER:

- There are 306 refugee camps in Pakistan. Refugee camp conditions are generally on a par with living conditions among Pakistanis living in the rural areas of those provinces.
- The UNHCR and the international community continue to be concerned about the problems of health care delivery, particularly in Baluchistan. The public health conditions

in the camps, however, have improved significantly in recent years. This has been borne out by a recent study done by the Centers for Disease Control, which, among other things, showed minimal malnutrition, and improved levels of infant mortality.

- As one might expect with 306 camps, the delivery of educational services varies widely. UNHCR has about 100,000 students enrolled in 667 elementary and secondary schools. Seventy of these schools are for female students. In addition to our FY 1986 \$15 million pledge to UNHCR's general program in Pakistan, we have also pledged excess rupees generated by PL 480 sales to specific sectors of the HCR program. In FY86 we contributed \$400,000 rupee equivalent for education programs.
- Additional elementary and secondary schools are run by the international voluntary agencies. Some American voluntary agencies are also involved in school management, the development of curriculum materials, and teacher training. During FY86 we provided \$345,000 to the International Rescue Committee for these types of activities.
- Another important component of refugee education is vocational training. This year we pledged half a million dollars rupee equivalent to UNHCR for its vocational training program, and also supported a Save the Children training program in the North West Frontier Province.
- While improving educational services is a continuing goal, refugee education is a sensitive and sometimes controversial area where the refugees themselves have strong perceptions of what constitutes culturally appropriate education.

QUESTION: It has been reported that a significant portion of refugees entering today from Southeast Asia are carriers of hepatitis-B, a most serious disease

which is sexually transmitted. What has been the occurrence of this disease in refugees, are screening programs in place to detect the disease in refugee applicants, and how is a confirmed carrier of the disease treated when he or she otherwise qualifies for refugee status?

ANSWER:

- Hepatitis-B is not an excludable disease under current immigration law. There is no legal requirement for testing either applicants for refugee status or refugees themselves.
- The Department of State funds a screening program in the Refugee Processing Centers (RPCs) for pregnant refugee women accepted for U.S. resettlement as well as for unaccompanied minors. This program responds to the disease as a health concern.
- Prevalence. The best evidence available suggests that between 15-20% of Indochinese women of childbearing age are carriers of hepatitis-B and, thus, infectious to others. Transmission of this disease occurs during or immediately following child delivery or transfer of blood products or bodily fluids (including sexual transmission).
- Treatment: There is no treatment for a carrier - s/he remains potentially infectious for life. In recent years the new availability of a vaccine against hepatitis-B has allowed vaccination of susceptible individuals who have not already been infected. Since the early 1980's we have conducted screening of pregnant refugee women in the RPCs. Vaccination of newborns has been provided in the RPCs and continued in the U.S., as necessary, by the Office of Refugee Resettlement (HHS/ORR). Vaccination of the foster family members of unaccompanied minors who are hepatitis-B carriers is also provided domestically by ORR.

Senator SIMPSON. Yes, please, go ahead.

Mr. MOORE. I just wanted to, on behalf of the administration, Mr. Chairman, thank you and the committee for the serious attention you are giving to this proposal that we have as part of the consultations on the ceiling for fiscal year 1987 refugee admissions to this country.

We appreciate such concern and informed, genuinely interested engagement on your part. We respect it. We benefit from it. It gives real vibrancy and real content to the meaning of the word "consultation" and we take very seriously the comments that have been made, and we will study them, as we continue to examine these numbers.

I would like to say just two things in conclusion about the overall numbers. I am somewhat distressed at the prospect that I might again demonstrate too perfect continuity with this administration by saying something that was precisely said 5 years earlier, but perhaps I will not be as unlucky this time. We have reduced, speaking of the non-ODP, first asylum numbers for Southeast Asia, the request over last year from 37 to 32,000.

If we are going to continue to win international support so it does not remain a largely isolated U.S. effort, and maybe even increase levels of international support, if we have any prospect of effectively influencing other nation states to continue to address international refugee problems with us, particularly in the area of Southeast Asia, it is perhaps too obvious to say then that we have got to hang in there ourselves, and to cut back more than the reductions represented in these figures is not the best way to influence other nations to either hold at their current levels or increase their levels of participation.

And if we are going to design—it is a big if, and I am not convinced we are going to be successful—new methods to deal with a continued flow, a changed profile, the open-ended question that you raised, and particularly the long stayers, if we are going to successfully pursue some new avenue, some new formula here, we have got to have the numbers which allow us to stay at the table.

Finally, with particular regard to Commissioner Nelson's vigilance concerning bogus refugees, which we would all support, and I do not think we have ever been in doubt that he lacked, I am particularly gratified at the strong support which the INS and the Justice Department has given to the full 70,000 level, the ceiling for refugee admissions in fiscal year 1987, and I merely wanted to note that and express my appreciation to the Department of Justice for that support. Thank you very much, Mr. Chairman.

Senator SIMPSON. I thank you, Jonathan Moore, and indeed, you are going to bring a very fine background to a very tough job, and it really was not in any sense a duplication of what you were saying. There was a freshness to it, and I believe you described it as "bringing high aspiration and strong idealism to the task." And you will. I am just saying that the frustration for us is that sometimes it is differently worded, but we never quite get there in the term.

We have, indeed, and as you just say, reduced these Southeast Asian numbers. But we cannot forget that 32,000 plus ODP is more than four-fifths of the so-called normal flow that we put into the

Refugee Act. And yet there are other refugees in this world who also deserve our very special humanitarian concern. This is weighted, so overly weighted, and continues to be weighted because of what happened 11 years ago in the Mekong and the all the rest of it that disturbed us.

But we created this great constituency, and we ought to be looking at the numbers around the rest of the world. Senator Kennedy is speaking of Africa. Others are speaking of other areas. But when we distort this 50,000 normal flow by this continual glut of people who really are not all refugees—when there are plenty of them in the rest of the world—that is a terrible distortion.

And I am going to get at that. I would rather deal with an economic refugee than an economic migrant. First take real refugees, ones that meet all the tests. Then meet economic refugees, and then finally economic migrants.

Somebody ought to be listening. That is how I feel about it. So I must say it gets very tiresome to meet with some groups in America who come to me about processing "this group." We re-reviewed and re-reviewed and re-reviewed one group, and we will re-review them again if we have to. But to have somebody coming to me pretending that it is all on the basis of refugees, when all they are looking for is the relative of their gardener in Cold Springs Harbor, NY, that pains my rear end. There is a lot of that out there in the real world, and it is very tiresome because it is shrouded in magnificent compassion. I always say well, button your shirt; your heart fell out. What you really want is just some economic advantage or to join someone. And I say, let us do better with the sorting process.

Let us have some movement on the immigration program in Thailand. That will relieve our pressures. Then we can get these numbers of the normal flow back to the rest of the world who are going to desperately need it, as there are 8 to 16 million people who pulled their feet off their own shore looking for a better world and a better life. Refugees should actually meet all the tests, perhaps, or at least a greater part of the tests of the definition of the refugee.

But if there are problems, please let us know. We try to be a vigorous oversight committee, and Dick Day as counsel, Jerry Tinker and I have always been receptive and listened. These are people that are ready to deal with you and not get smarting around in politics and all the rest of it. Just do the job. There is lots to do. So we will try to help. Do not let those few hundred who do qualify for current visas sit on the border.

If the Thais are a problem, let us know. We will visit with their people this week. Our Ambassador is coming here this week—or theirs—soon. So that is our purpose, and that is the role we hope to meet. But there is much to do, and it is time to "walk the walk" instead of just "talk the talk." We have had a lot of that.

You have not, any of you, been at the root of that. And I appreciate your participation here today, and to you, Jonathan Moore, good luck to you, sir. I wish you the very best.

Mr. Funseth, in your job as Acting Director, you have been very helpful. Mr. Gee, thank you. You have a tough one, and it is going to get tougher. And Alan Nelson, you deserve the oak leaf cluster

award for what you do, and the guff you take. So I thank you. I want to thank those who arranged these consultations, and especially to thank Secretary Shultz who made special arrangements to be here as he often does to accommodate this subcommittee and its chairman. Thanks to Dick Day and Dee Dee Herzog and Carl Hampe and Jodii Brayton and Jessica Langsam and Jerry Tinker for their assistance.

That will conclude the consultation, and I thank you very much for your participation.

[Whereupon, at 12:10 p.m., the committee was adjourned.]

APPENDIX



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INDOCHINESE COMMUNITY LEADERSHIP CONVENTION REPORT SUMMARY

INTERNATIONAL REFUGEE PROGRAMS & POLICIES

A. Introduction

The refugee crisis in Southeast Asia began over ten years ago; although the numbers of people fleeing Laos, Vietnam, and Cambodia may have diminished, the exodus from these countries continues. "Long-stayers" in countries of first asylum number in the hundreds of thousands. Of particular concern are those who have close family members here in the U.S. or in other third countries, yet languish in refugee camps.

We are at a critical turning point -- what might be called a "policy juncture" -- within both the U.S. government and the governments of ASEAN nations which are countries of first asylum for Indochinese refugees.

Though refugees' protection and resettlement needs remain undiminished, the policies of the traditional resettlement countries (including the U.S.), have become increasingly restrictive. The prevailing official mood seems to be "It's been ten years, we had a generous refugee policy at the peak of the crisis in the early '80s; we did what we could, now it's over." Those of us who advocate for a humane and compassionate national policy toward political refugees must take issue with this official view -- and work ever harder to keep America's doors open.

Although the "protectionist" view maintains that Indochinese refugees are economic opportunists seeking jobs, economic betterment has never been the primary cause for Indochinese to seek resettlement in other countries. Never before in the long history of Indochina, even during periods of intense starvation and economic hardship, have the Indochinese chosen to flee their homelands. Time and again, the three countries of Indochina have suffered tyrannical regimes, but their peoples have never left their countries until the takeover by the communists. Nothing less than the most desperate of reasons -- persecution, extermination, and death -- could cause them to leave.

Last fall, Secretary of State Schultz appointed a panel of five distinguished citizens, chaired by former Governor Ray of Iowa, to make a thorough assessment of the Indochinese refugee situation and to offer refugee policy recommendations to the Administration and Congress. We welcome the general findings of this Indochinese Refugee Panel (also known as the Ray Panel) and particularly commend its overall conclusion that "the refugee situation in Southeast Asia continue to warrant special coordinated international relief and resettlement efforts," and that "United States traditions of humanitarian concern and response require continued U.S. leadership in an international program for Indochinese refugees." We heartily applaud the panel's recognition that "the roots of the refugee situation in Southeast Asia lie with Vietnam's repressive and expansionist policies which continue to create pressures that cause thousands to endanger their lives in clandestine flight," and remain committed to preventing the war and oppression that force people to become refugees.

B. Preservation of First Asylum

Consensus in the U.S. policy to preserve first asylum opportunities in Southeast Asia has been achieved through bipartisan efforts over the course of three administrations. The U.S. role in preserving first asylum -- which means essentially to provide for the rescue, temporary relief and protection of men, women, and children who have fled their own countries in search of safe haven -- has taken several forms in Southeast Asia:

- Maintaining a commitment to resettle a "fair share" of refugees each year.
 - Providing financial support for international relief and local resettlement efforts.
 - Providing various kinds of foreign aid to first asylum countries (especially Thailand) to encourage preservation of first asylum.
1. We recognize the critical link, particularly in Southeast Asia, between the preservation of first asylum and the continuation of third-country resettlement. The U.S. must maintain an active and visible commitment to resettlement and encourage similar commitments from other nations.
 2. We concur with the Ray Panel recommendation that the United States should begin processing refugees from the current population with no ties to the United States, taking into account length of stay in camps and other compelling circumstances.
 3. We strongly urge that the U.S. re-open the cases of the 15,000 rejected Cambodians in Khao-I-Dang, as recommended in the recent Ray Panel report. Suggested processing guidelines are outlined in Stephen Golub's paper "Looking for Phantoms: Plans in the Khmer Rouge Screening Process" (published by the U.S. Committee for Refugees).
 4. We encourage the Thai government, UNHCR, and the United States to identify those in the "displaced person" population along the Thai-Cambodian border who are eligible for refugee status, or who are otherwise "of special humanitarian concern". We would highlight in this group: people with immediate family in the U.S., urgent medical cases, unaccompanied minors, and the elderly.
 5. The Orderly Departure Program/Vietnam has provided a safety valve, reducing clandestine flight and resultant increases in first asylum camp populations. The United States should make every effort to have this program resumed as soon as possible and increase ODP admissions ceilings beyond 8,500 per year. We further support the establishment of ODP in Cambodia and Laos, but only if adequate security can be provided to those who have presented themselves for exit visas. In Laos, for example, consular offices are needed in both Phongsavanh, Xieng Khouang province, as well as in Vientiane, to better ensure that both highland and lowland Laotians have equally safe access to the program.
 6. We acknowledge that third-country resettlement will never be possible for everyone who seeks it, and that new international approaches must be explored to find humane and durable solutions for the "long-stayer" populations in first asylum countries. We support the development of opportunities for local settlement where appropriate. We cannot support repatriation efforts except where there is clear evidence that it is fully voluntary and that the individuals involved will suffer no reprisals at the hands of the government of the country to which they return.

C. Protection

1. We urge the U.S. and the UNHCR to work closely with the Thai government to ensure that there is sufficient security in all of the refugee encampments, both during the day and at night, to protect inhabitants (particularly women and children) from attacks by bandits, rape, robbery and physical abuse. Specific recommendations include:
 - Move all noncombatants far enough from border areas as to be out of conflict zones.
 - Increase the international presence in the camps both in the daytime and at night.
2. We urge that the Thai government, UNHCR, and the United States take action immediately to improve conditions in all first asylum and border camps. Overcrowding should be alleviated, security and sanitation improved, and training and educational programs implemented.
3. The United States and UNHCR must work with the Royal Thai Government on a more effective anti-piracy program. Private initiatives should be used to prevent piracy activities, identify the culprits, liberate the abductees, and provide assistance to all victims.
4. We urgently request the U.S. and UNHCR to investigate reports of reports of search-and-destroy operations being conducted along the Mekong River by the Pathet Lao. The combined effect of such operations and push-backs by Thai border patrols has been to drastically reduce the number of arrivals from Laos in FY 1986. It is particularly suspicious that the arrival of Hmong has slowed to a trickle in the last nine months. We recommend an increased international presence along the Thailand-Laos border.
5. We urge the UNHCR to provide assistance in getting other nations to issue visas to Vietnamese boat refugees rescued by the French-German ship Cap Anamur and we request that the U.S. review its policy to accept refugees picked up by commercial and private vessels, and accept at least 1,000 per year of those rescued by Cap Anamur.

D. Education

1. We strongly urge that basic education programs be implemented for Cambodian children in Thailand. The future of Cambodia may be as blighted as the present if the new generation is unable to read, write, compute, and knows little of its country's history and cultural heritage.
2. We recommend that the Thai government, UNHCR, and the U.S. seek a long-term solution toward the local resettlement of Hmong in Thailand. We further recommend that adequate support be provided for economic development and educational programs to ensure their full, successful integration into Thai society.
3. Educational programs for refugees in camps must be enhanced so that they can better respond to the needs of special groups (children, youth, women, elderly). Resettled refugees should be recruited as teachers, trainers, and consultants for U.S. and international programs in the Southeast Asian camps.

D. Preservation of Rights

1. Political prisoners are former American allies. The U.S. government should make their release an agenda item in negotiations with the governments of Cambodia, Laos, and Vietnam.

2. Reports of torture and killings in the "re-education" camps, as well as of the continued persecution and killing of Hmong, continue to emerge from Laos. Amnesty International estimates there are still 6,000 political prisoners in the re-education camps in Laos. Approximately 10 percent of those who have been detained since 1976 are reported to have died in detention. The U.S. State Department is looking into reports that approximately 200 Hmong were massacred in May 1985 at Ban Hoi Hom in Xieng Khouang Province. We call for a full investigation of human rights violations in Laos, and strongly urge the United Nations and the United States to use every diplomatic means at their disposal to end the torture and killing of Laotian nationals.

F. Fair and Effective Processing

1. We recommend that all U.S. government officials from the various agencies involved in refugee processing (particularly field officers from the Department of State and the Immigration and Naturalization Service) be required to complete a training course on the recent history and politics and on the cultures of Southeast Asia in order to make more informed decisions on cases.
2. The U.S. and the UNHCR should immediately (and on a continuing basis) investigate reports of "push-backs" on the Thailand-Laos border, in which asylum seekers are intercepted by Thai police and ranger patrols and forced back into Laos before they have had the opportunity to present their case to the proper officials. We are further concerned that the border screening program threatens those who are screened-out with involuntary return to Laos. We urge that every precaution be taken to ensure that repatriation is never involuntary, and to ensure equal access to a fair border screening process.
3. With respect to the "phasing in" of an effective immigration program, given the circumstances of the population it intends to serve, we do not believe that such a program can be effective if it is implemented with the same procedures used by the U.S. throughout the world. The situation of Indochinese refugees in Southeast Asian camps is simply not comparable to that of other immigrants awaiting U.S. visa issuance in their home countries. Under the circumstances, it is neither practical nor appropriate for Indochinese refugees to be subjected to the normal immigration processing delays. We call for the following:
 - Immediate processing for departure to the U.S. of all individuals with current immigrant visas.
 - Use of the Attorney General's parole authority to bring in those beneficiaries of approved immigration visas who are currently in first asylum camps and for whom no immigration slots are currently available. Such parolees would remain in this status until such time as their immigration visas become current, at which time they could adjust their status.
 - Extended and generous use of humanitarian parole for those cases of compelling humanitarian concern which cannot otherwise be processed under normal immigrant or refugee procedures. Such persons include dependent relatives and sole surviving relatives of persons already accepted for resettlement or already resettled in the U.S.
4. We support an active public/private sector outreach program to encourage family members in the U.S. to become U.S. citizens and to help them in filing immigration petitions for their relatives. Cooperation from refugee community leaders and organizations is vital to the effectiveness of such a program.